

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

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

9:00 A.M., THURSDAY, MAY 21, 2015

PRESENT: Shawn R. Kehoe, Chair
Alan Bernstein, Vice Chair
William de la Garza, Secretary
Anthony Bravo
Yves Chery
Vivian H. Gray
Keith Knox (Sitting in for Mr. Kelly)
Ronald A. Okum
William Pryor (Alternate Member)
Les Robbins

ABSENT: David L. Muir (Alternate Retired)
Joseph Kelly

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer
Robert Hill, Assistant Executive Officer
JJ Popowich, Assistant Executive Officer

STAFF ADVISORS AND PARTICIPANTS (Continued)

Dr. Vito Campese, Medical Advisor

Steven Rice, Chief Counsel

Michael Herrera, Senior Staff Counsel

Frank Boyd, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Cassandra Smith, Division Manager
Retiree Healthcare Division

Tamara Caldwell, Acting Division Manager
Disability Retirement Services

Vickie Neely, Specialist Supervisor
Disability Retirement Services

Debbie Semnanian, Specialist Supervisor
Disability Retirement Services

Barry W. Lew, Legislative Affairs Officer

Bernie Buenaflor, Division Manager
Claims Processing Division

Thomas Wicke, Attorney at Law
Lewis, Marenstein, Wicke & Sherwin, LLP

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mr. de la Garza led the Board Members and staff in reciting the Pledge of Allegiance.

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of April 1, 2015

Mr. Chery made a motion, Mr. de la Garza seconded, to approve the minutes of the regular meeting of April 1, 2015. The motion passed with Messrs. Bernstein and Knox abstaining.

B. Approval of the Minutes of the Regular Meeting of April 9, 2015

Mr. de la Garza made a motion, Ms. Gray seconded, to approve the minutes of the regular meeting of April 9, 2015. The motion passed with Mr. Knox abstaining.

IV. OTHER COMMUNICATIONS

A. For Information

1. March 2015 All Stars

Mr. Hill announced the eight winners for the month of March; Raymond Boncato, Esmeralda Del Bosque, Freddie Verzosa, Angel Calvo, Cynthia LeShay, Diana Huang, Chona Labtic-Austin, and Vanessa Cruz for the Employee Recognition Program. Ted Granger, Eduardo Ascencio, Robert Santos and Lourdes Diaz were the winners of LACERA's RideShare Program.

IV. OTHER COMMUNICATIONS (Continued)

2. Recognition

Mr. Rademacher presented the GFOA Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ending June 30, 2014 to Beulah Auten, Chief Financial Officer of the Financial & Accounting Services Division, and Jeannine Smart, Division Manager of the Communications Division. This marks the 25th consecutive year that LACERA has earned this recognition. Mr. Rademacher thanked all staff involved for their hard work, dedication and teamwork in achieving this award.

3. Chief Executive Officer's Report (Memo dated May 12, 2015)

Mr. Rademacher provided a brief overview of his Chief Executive Officer's Report with a quick update on what transpired at the previous Board of Investments meeting. (Board of Investments minutes are available to view on LACERA's Website www.lacera.com.)

Mr. Rademacher shared that per Mr. Joseph Kelly's request that he will be sending the Board the Los Angeles County report on Proposals to Address the Unfunded Liabilities in the County Retiree Healthcare Program.

Mr. Rademacher recognized Yves Chery for being re-elected as President of SACRS. In addition, he shared that the proposed Bylaw recommendations were

IV. OTHER COMMUNICATIONS (Continued)

sent back to the SACRS Bylaws Committee for further development.

Additionally, Mr. Rademacher highlighted his experience as an instructor sharing his perspective on a medium sized public pension at the CALAPRS Pension Overview Course.

Lastly, Mr. Rademacher welcomed Alternate Ex-Officio member, Keith Knox, to the Board who is sitting in for Mr. Joseph Kelly.

V. PUBLIC COMMENT

Retired member, Eugene Tavriss, requested that his Administrative Appeal that will be held in Executive Session be granted.

Roland Simpson, Attorney for member Maureen McCollough, requested that the Board support the appeal for his client which will be held in Executive Session. Furthermore, Dr. Greg Moran from UCLA Oliveview Emergency Department spoke on her behalf and requested that the Board support her appeal.

VI. CONSENT AGENDA

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

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Requests for an administrative hearing before a referee.
(Memo dated May 14, 2015)

VI. CONSENT AGENDA (Continued)

- C. Recommendation as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for survivor allowance in the case of **Steven J. Miranda (Deceased)/Irene Miranda (Survivor)**. (Memo dated May 4, 2015)

- D. Recommendation as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for service-connected disability retirement in the case of **Evelyn Valdez**. (Memo dated May 4, 2015)

- E. Recommendation as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for an earlier effective date in the case of **James S. Blue**. (Memo dated May 7, 2015)

- F. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board approve attendance of Board members at the NASP 26th Annual Pension and Financial Services Conference on June 15 –17, 2015 in Chicago, Illinois and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy. (Memo dated April 30, 2015)

- G. For information only as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated May 5, 2015)

VII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Bernie Buenaflor, Division Manager, Claims Processing Division: That the Board 1) Determine, based upon medical evaluation, that Cynthia Weber is not incapacitated for the duties assigned to her in the position of Agricultural Inspector Aid; and 2) Grant the application of Cynthia Weber for reinstatement to active membership. (Memo dated April 28, 2015)

Bernie Buenaflor was present and answered questions from the Board.

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

- B. Recommendation as submitted by Barry W. Lew, Legislative Affairs Officer: That the Board adopt a “Support” position on Senate Joint Resolution 1, which would request the President and the Congress of the United States to pass legislation repealing the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act. (Memo dated May 6, 2015)

Barry W. Lew was present to answer questions from the Board.

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

- C. For information only as submitted by Barry W. Lew, Legislative Affairs Officer regarding Assembly Bill 992 – Service Retirement Pending Disability Determination. (Memo dated May 7, 2015)

VIII. GOOD OF THE ORDER

(For information purposes only)

The Board welcomed Mr. Knox to the Board and welcomed back Assistant

VIII. GOOD OF THE ORDER (Continued)

Executive Officer, Robert Hill.

Mr. Bernstein congratulated Mr. Chery on his re-election as SACRS

President.

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Chair Kehoe, seconded by Mr. Bernstein, 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>
321C*	GREGORY M. MARTINEZ
322C	MARIA J. CZARNOCKI
323C**	WILLIAM D. PHELTON
324C	ULYSSES KEITH, JR.
325C	CHRISTOPHER P. MATTHEWS
326C***	JANET RAMIREZ

* Granted SCD Survivor Benefit

** Granted SCD – Employer Cannot Accommodate

*** Applicant Present

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
327C	ANGELA P. WILKINSON
329C*	REGINALD M. FRANKLIN
330C	RICHARD J. RAMIREZ
331C	JAMES M. JANOIAN
332C	KEVIN B. LOWE
333C	JEREMIAH F. OTIS
334C	CHRISTIAN C. WAHLA

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Ms. Gray, seconded by Mr. Robbins, 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>
1672A	ROBERT W. GILBERT
1673A	KEVIN E. WAITES

* Applicant Present

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

Safety-Fire, Lifeguard (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1674A	ERAS R. NOEL, JR.
1675A	JEFFREY A. CORRELL
1676A	GABRIEL RODRIGUEZ

General Members
Service-Connected Disability Applications

On a motion by Mr. Chery, seconded by Mr. Bernstein, 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>
2511B*	RALPH NAUSHA
2512B*	BONNIE R. OVEAL
2513B	MARINA SALVATI
2514B**	MARTHA F. DELGADO

* Granted SCD – Employer Cannot Accommodate
** Applicant Present

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

General Members (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2515B	CONSUELO HARO
2516B	MICHELLE C. CANCHOLA
2517B*	ROBERT LARA, JR.
2518B**	LASHAUN D. GOULD-HAYWOOD

General Members

Non-Service Connected Disability Applications

On a motion by Mr. Pryor, seconded by Ms. Gray, 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 their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
4329***	OLGA TAVARES
4330	MIKE K. REMMES

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Salary Supplement

*** Applicant Present

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)

Non-Service Connected Disability Applications

APPLICATION NO.

NAME

4331*

NKOYO EKPO

4332**

HECTOR M. CORRALES

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6810A – ADELA C. CAMPBELL

Mr. de la Garza made a motion, Mr. Bernstein seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated since the employer can accommodate.

Chair Kehoe made a substitute motion, Ms. Gray seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Kehoe, Knox, Robbins, Chery, Bravo, and Ms. Gray voting yes; and de la Garza, Bernstein, and Okum voting no.

* Granted NSCD – Retroactive

** Granted NSCD – Salary Supplemental

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6811A – STEVEN F. JIMENEZ

(Mr. Knox recused himself since the applicant reported to Mr. Kelly at the time of retirement. Mr. Knox returned to the Boardroom after this case was handled.)

Mr. de la Garza made a motion, Mr. Pryor seconded, to deny a service connected disability retirement and find the applicant not eligible for a service connected disability and not permanently incapacitated when he left service. The motion passed unanimously.

6812A – PATRICIA HAMPTON

Ms. Gray made a motion, Mr. Okum seconded, to deny a service connected disability retirement since the employer can accommodate. The motion passed unanimously.

6813A – CRANDLON R. MCGINNIS

Mr. Pryor made a motion, Mr. Bernstein seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated.

The makers of the motion amended the motion to deny a service connected disability retirement without prejudice. The motion passed unanimously.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6814A – SUSAN L. WHITE

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

Mr. Pryor made a substitute motion, Chair Kehoe seconded, to grant a service-connected disability retirement. The motion passed with Messrs. Okum and de la Garza voting no.

2339B – MAGRETTE D. JOHNSON

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

6408A – ROBERT E. DOVE, JR.*

Ms. Gray made a motion, Mr. Kehoe seconded, to grant a service connected disability retirement. The motion passed with Mr. de la Garza voting no.

* Applicant Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6485A – RHONDA J. CASTILLO*

Ms. Gray made a motion, Mr. Chery seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31726(b)(2). The motion passed unanimously.

6779A – EDWARD J. CRONIN

Chair Kehoe made a motion, Mr. Okum seconded, to grant a service connected disability retirement pursuant to Government Code Sections 31720 & 31720.5. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Robert J. Burd – Thomas Wicke for appellant
Steven Tallant for the respondent

Mr. Bernstien made a motion, Mr. Okum seconded, to deny the option of an earlier effective date. The motion passed unanimously.

* Applicant Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Yvette R. Deans – Thomas Wicke for appellant
Steven Tallant for the respondent

Chair Kehoe made a motion, Mr. Okum seconded, to grant a service connected disability retirement and find the applicant disabled. The motion passed unanimously.

Irene Muro/Sauers – Thomas Wicke for appellant
Eugenia Der for the respondent

Mr. de la Garza made a motion, Chair Kehoe seconded, to deny a service connected disability retirement and find the applicant not disabled.

Chair Kehoe made a motion, Mr. Okum seconded, to refer back to staff for additional information. The motion passed unanimously.

C. Staff Recommendations

1. Recommendation as submitted by Tamara L. Caldwell, Acting Manager, Disability Retirement Services: That the Board reject for processing the application in the case of **Stephen G. Nelson**. (Memo dated April 30, 2015)

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

XI. EXECUTIVE SESSION

A. Conference with Legal Counsel – Existing Litigation (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9)

1. Sheila D. Kendrick v. Board of Retirement

The Board met in Executive Session for the purpose of discussing the existing litigation with its legal counsel pursuant to Government Code Section 54956.9 Subdivision (d). The Board has received and filed the information.

B. Conference with Legal Counsel – Pending Litigation (Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9)

1. Administrative Appeal of Eugene Tavis
2. Administrative Appeal of Maureen McCollough

The Board met in Executive Session to discuss and give direction to its legal counsel regarding the pending litigation pursuant to Government Code Section 54956.9 Subdivision (d). The Board gave direction to counsel on both cases.

C. Public Employee Performance Evaluation (Pursuant to Government Code Section 54957)

1. Performance Evaluation
Title: Chief Executive Officer

The Board met in Executive Session pursuant to California Government Code Section 54957 in the matter of a Public Employee Performance Evaluation.

There is nothing further to report at this time.

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

1. Retirement Board Listing dated May 6, 2015
2. Mervin McIntosh v. Board of Retirement and LACERA - Confidential Attorney-Client Communication (For Information Only - Memo dated May 15, 2015)
3. Tod Hipsher vs. LACERA, County of Los Angeles and State of California Confidential Attorney-Client Privilege (For Information Only - Memo dated May 7, 2015)
4. Administrative Appeal of Eugene Tavis – Supplemental Information Privileged and Confidential Attorney- Client Communication/Attorney Work Product (Memo dated May 18, 2015)
5. Assembly Bill 992 – Service Retirement Pending Disability Determination – Supplemental Agenda Information (For Information Only – Memo dated May 20, 2015)

XII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned in memory of Dr. Esler Johnson at 12:23 p.m.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR