

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., WEDNESDAY, AUGUST 5, 2015

PRESENT: Alan Bernstein, Acting Chair  
William de la Garza, Secretary  
Anthony Bravo  
Yves Chery  
Vivian H. Gray  
Joseph Kelly  
David L. Muir (Alternate Retired)  
Ronald A. Okum  
William Pryor (Alternate Member)

ABSENT: Shawn R. Kehoe, Chair  
Les Robbins

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer  
Dr. Vito Campese, Medical Advisor  
Steven Rice, Chief Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Ricki Contreras, Division Manager  
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor  
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel  
Legal Division

Steven Tallant, Senior Staff Counsel  
Disability Litigation

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

I. CALL TO ORDER

The meeting was called to order by Mr. Bernstein, Acting Chair, at 9:00 a.m., in the Board Room of Gateway Plaza. Mr. Bernstein shared that Mr. Robbins is on vacation and Mr. Kehoe is tending to his expecting wife.

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 July 1, 2015

Ms. Gray made a motion, Mr. de la Garza seconded, to approve the minutes of the regular meeting of July 1, 2015. The motion passed unanimously.

IV. REPORT ON CLOSED SESSION ITEMS

There was nothing to report.

V. PUBLIC COMMENT

There were no requests from the public to speak.

VI. CONSENT AGENDA

Mr. de la Garza made a motion, Mr. Okum 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 July 23, 2015)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for service-connected disability retirement in the case of **Therasa A. Brandt**. (Memo dated July 14, 2015)
- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for service-connected disability retirement in the case of **Rosalyn F. Carter**. (Memo dated July 14, 2015)
- E. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for an earlier effective date in the case of **Ralph Nausha**. (Memo dated July 21, 2015)
- F. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated July 27, 2015)

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

Mr. Kelly shared with the Board his experience in taking his staff to the Special Olympics at USC. In addition, Mr. Kelly shared that his department won an award for Los Angeles County's Bond Refunding Program, which was also the best in category, from the National Association of Counties (NACo).

Mr. Rademacher welcomed back Ricki Contreras, Division Manager for the Disability Retirement Division, and thanked Tamara Caldwell and staff for their work while Ms. Contreras was out on maternity leave. Lastly, Mr. Rademacher congratulated LACERA staff members Marvin Conant, Jane Chan-Yu, and Frances McCash on their recent retirement.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT  
CALENDAR

Safety Law Enforcement  
Service-Connected Disability Applications

On a motion by Ms. Gray, seconded by Mr. Pryor, 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>       |
|------------------------|-------------------|
| 364C                   | SHANNA S. COOPER  |
| 365C                   | DENNIS F. O'BRIEN |

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT  
CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

| <u>APPLICATION NO.</u> | <u>NAME</u>         |
|------------------------|---------------------|
| 366C                   | MARK A. BURNETT     |
| 368C                   | GILBERT A. PUENTES  |
| 369C*                  | JEFFREY C. TIBBETTS |
| 370C                   | DORAN JORDAN        |
| 371C                   | MICHAEL J. ALERICH  |

Safety-Fire, Lifeguard  
Service-Connected Disability Applications

On a motion by Mr. Pryor, 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>        |
|------------------------|--------------------|
| 1690A                  | DAVID S. MARTINEZ  |
| 1691A                  | DENNIS B. DAHLGREN |
| 1692A                  | RONALD P. WATSON   |
| 1693A                  | KENNETH B. CATE    |

\* Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT  
CALENDAR

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

| <u>APPLICATION NO.</u> | <u>NAME</u>         |
|------------------------|---------------------|
| 1694A                  | JERRY D. DAWSON     |
| 1695A                  | RONALD L. DYKES     |
| 1696A                  | JERRY M. MCCLELLAND |
| 1697A                  | ARTHUR MORENO       |
| 1698A                  | ERIC L. BUEGE       |
| 1699A                  | DANIEL C. FOURNIER  |

General Members  
Service-Connected Disability Applications

On a motion by Mr. Kelly, seconded by Mr. Okum, 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>           |
|------------------------|-----------------------|
| 2541B*                 | EMMA C. OSORIO        |
| 2542B**                | MELBA W. JACKSON      |
| 2543B***               | GLORIA HODGERS-CORTEZ |

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD – Retroactive

\*\*\* Granted SCD – Retroactive with a two year review

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT  
CALENDAR

General Members (Continued)  
Service-Connected Disability Applications

| <u>APPLICATION NO.</u> | <u>NAME</u>      |
|------------------------|------------------|
| 2545B                  | MARGARITA TURPEN |
| 2546B *                | JOSEFINA ABIB    |

General Members  
Non-Service Connected Disability Applications

On a motion by Mr. Okum, 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>    |
|------------------------|----------------|
| 4333**                 | RENA V. MEDINA |

\* Granted SCD – Retroactive

\*\* Granted NSCD – Retroactive

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

Acting Chair Bernstein requested that the Board handle those cases that were Pulled off the Consent Calendar first.

APPLICATION NO. & NAME

BOARD ACTION

367C – DONNA J. THOMPSON

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

2544B – LYDIA A. LEON

Mr. Chery made a motion, Mr. Okum seconded, to grant a retroactive service connected disability retirement pursuant to Government Code Sections 31720 and 31724 since employer cannot accommodate. The motion passed unanimously.

6830A – EDGAR A. MORON

Mr. Okum made a motion, Mr. Bravo seconded, to grant a retroactive non-service connected disability retirement pursuant to Government Code Section 31720 and 31724. The motion passed unanimously.

6832A – LEKEISA WASHINGTON

Mr. de la Garza made a motion, Mr. Kelly seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.



IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6833A – ROBERT MOJICA

Mr. de la Garza made a motion, Mr. Chery seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720 and 31726 (b) (2).

Ms. Gray made a substitute motion, Mr. Muir seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion failed (roll call) with Ms. Gray and Mr. Chery voting yes; and Messrs. Pryor, Kelly, Bernstein, Bravo, Okum, and de la Garza voting no.

Mr. Bernstein made a motion, Mr. Okum seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720 and 31726 (b) (2).

Mr. Muir made a substitute motion, Mr. Chery seconded, to refer back to staff for additional information. The motion failed (roll call) with Messrs. Pryor, Bravo, Chery, and Ms. Gray voting yes; and Messrs. Kelly, Bernstein, Okum, and de la Garza voting no.

The motion to grant a non-service connected disability retirement pursuant to Government Code Sections 31720 and 31726 (b) (2) passed (roll call) with Messrs. Pryor, Kelly, Bernstein, Bravo,

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6833A – ROBERT MOJICA (Continued)

Okum, de la Garza, and Chery voting yes; and Ms. Gray voting no.

Mr. Muir requested staff to agendize Dr. Madad’s report for the next Disability Procedures and Services Committee Meeting for further review and discussion.

6834A – LAURIE J. BRIGGS

Mr. de la Garza made a motion, Mr. Kelly seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated.

Ms. Gray made a substitute motion, Mr. Muir seconded, to refer back to staff for additional information. The motion passed unanimously.

6835A – DIANA LOPEZ

Mr. Chery made a motion, Mr. de la Garza seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

6836A – JIMMIE SMITH

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

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

| <u>APPLICATION NO. &amp; NAME</u>   | <u>BOARD ACTION</u>   |
|---|---|
| 2238B – CATHERINE M. LAMAR  | Mr. Chery made a motion, Mr. Kelly seconded, to continue the applicants service connected disability retirement. The motion passed unanimously.   |
| 6770A – OLIVIA SHELMON*   | Mr. de la Garza made a motion, Mr. Kelly seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed (roll call) with Messrs. Pryor, Kelly, Bernstein, Bravo, Okum, de la Garza, and Chery; and Ms. Gray voting no. |
| <p>Mr. Muir requested that the topic of opposing views on Fibromyalgia be placed on the agenda for the Board Offsite.</p> |   |
| 4325 – ANTHONY L. ALVARADO*   | Mr. Okum made a motion, Mr. Kelly seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720.<br><br>The makers of the motion amended their motion to include an earlier effective date. The motion passed unanimously.                     |
| 6810A – ADELA C. CAMPBELL   | Mr. Chery made a motion, Mr. de la Garza seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.   |

\* Applicant Present

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6787A – MARY L. BAILEY

Mr. Bravo made a motion, Mr. de la Garza seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

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Mr. de la Garza made a motion, Mr. Pryor seconded, to deny a service connected disability retirement. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Henry W. Jansen III – Thomas J. Wicke for applicant  
Steven Tallant for respondent

Mr. Kelly made a motion, Mr. Okum seconded, to deny a service connected disability retirement and find the applicant not disabled.

Mr. Chery made a substitute motion, Mr. Pryor seconded, to refer back to staff for additional information. The motion failed (roll call) with Messrs. Pryor, Bravo, Chery, and Ms. Gray voting yes; and Messrs. Kelly, Bernstein, Okum, and de la Garza voting no.

Mr. Muir made a motion, Mr. Kelly seconded, to deny a service connected

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Henry W. Jansen III (Continued)

disability retirement. The motion failed (roll call) with Messrs. Kelly, Bernstein, Okum, and de la Garza voting yes; and Messrs. Pryor, Bravo, Chery, and Ms. Gray voting no.

This appeal will be placed on next month's Board agenda.

Mary L. McFadden\* – In Pro Per

Allison E. Barrett for the respondent

Mr. Chery made a motion, Mr. de la Garza seconded, to give the applicant until November 4, 2015 Board meeting to obtain counsel. The motion passed unanimously.

Kimberly H. Chung – In Pro Per

Steven Tallant for the respondent

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

\* Applicant Present

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Anitra D. Chatman – Thomas J. Wicke for applicant  
Steven Tallant for respondent

Mr. Chery made a motion, Ms. Gray seconded, to grant a service connected disability retirement and find the applicant disabled. The motion passed unanimously.

Russell A. Hill - Thomas J. Wicke for applicant  
Steven Tallant for respondent

Ms. Gray made a motion, Mr. Muir seconded, to grant a service connected disability retirement and find the applicant disabled. The motion passed unanimously.

Vernalea F. Panga – Scott E. Shaffman & Co-Counselor Lance Brewer for applicant  
Steven Tallant for respondent

Mr. Muir made a motion, Mr. Okum seconded, to deny a service connected disability retirement and find the applicant not disabled. The motion passed unanimously.

C. Staff Recommendations

1. Recommendation as submitted by Steven Tallant, Senior Staff Counsel, Disability Litigation: That the Board find **Michael Gamst** to be permanently incapacitated for his duties for service-connected reasons and grant him a service-connected disability retirement pension. (Letter dated July 15, 2015)

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

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

X. EXECUTIVE SESSION

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

1. Michael Furman v. Board of Retirement

The Board met in Executive Session pursuant to Government Code Section 54956.9. The Board voted unanimously to comply with the writ of Mandate issued by the Superior Court on June 18, 2015, and grant Mr. Furman a service-connected disability retirement.

2. Terry Lee Marston v. Board of Retirement

This item was for information only.

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

1. Retirement Board Listing dated August 5, 2015
2. Disability Retirement Applications Agenda Correction Memo – Edgar A. Moran (Memo dated July 30, 2015)

XI. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:45 a.m.

August 5, 2015

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WILLIAM DE LA GARZA, SECRETARY

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ALAN BERNSTEIN, ACTING CHAIR