

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, SEPTEMBER 2, 2015

PRESENT: Shawn R. Kehoe, Chair

 Alan Bernstein, Vice Chair

 William de la Garza, Secretary

 Anthony Bravo

 Yves Chery

 Vivian H. Gray (Arrived at 9:02 a.m.)

 Joseph Kelly

 David L. Muir (Alternate Retired)

 Ronald A. Okum

 William Pryor (Alternate Member) (Arrived at 9:02 a.m.)

ABSENT: Les Robbins

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

Dr. Vito Campese, Medical Advisor

Steven Rice, Chief Counsel

Ricki Contreras, Division Manager
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

STAFF ADVISORS AND PARTICIPANTS (Continued)

Francis J. Boyd, Senior Staff Counsel
Legal Division

Steven Tallant, Senior Staff Counsel
Disability Litigation

Allison E. Barrett, Senior Staff Counsel
Disability Litigation

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

Thomas L. Hoegh, Attorney at Law

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. Chair Kehoe shared that Mr. Robbins is on vacation.

II. PLEDGE OF ALLEGIANCE

Chair Kehoe 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 August 5, 2015

Mr. de la Garza made a motion, Mr. Muir seconded, to approve the minutes of the regular meeting of August 5, 2015. The motion passed with Mr. de la Garza and Chair Kehoe abstaining.

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 (Ms. Gray and Mr. Pryor arrived at 9:02 a.m.)

Mr. Chery 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 August 20, 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 **Narcisso K. Flores-Bassinger**. (Memo dated August 18, 2015)
- D. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures & Services Committee: That the Board approve Peter Gleiberman, M.D. – Board Certified Orthopedist to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants. (Memo dated August 18, 2015)
- E. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated August 20, 2015)

VII. GOOD OF THE ORDER

(For information purposes only)

The Board congratulated Chair Kehoe and his wife on the birth of their twins.

Mr. Kelly shared his experience in attending the CALAPRS Principles of Pension

VII. GOOD OF THE ORDER (Continued)

Management in Malibu, CA.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Chair Kehoe, 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>
372C*	RICHARD A. HARTLEY
373C**	GERALD A. HOLT, JR.
374C	MINDY A. JEFFERY
375C	SALVADOR VELASQUEZ
376C	MICHAEL C. WALDMAN
377C*	ANTHONY J. HAWKINS
378C	STEVEN V. ESCHAGARY
379C	ALAN L. BASH
380C**	THOMAS E. DOBIS
381C	THOMAS L. ECKERT

*Granted SCD – Retroactive

** Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Okum, 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>
1700A	FRED A. BLAND
1701A*	WILLIAM J. REIMER, JR.
1702A	LINCOLN S. LUCERO
1703A	ADRIAN L. MEADOWS

General Members
Service-Connected Disability Applications

On a motion by Mr. Chery, seconded by Mr. Kelly, 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>
2547B*	ROBERT T. TOSH

* Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2548B	MIRTHA R. TUCKLER
2549B*	ELVIA CORONEL
2550B	LUISA A. DIAZ
2551B	KENNETH W. WASHINGTON
2552B**	ANTHONY A. MATHIS
2553B***	JAMES A. LOPEZ
2554B***	KENYETTA V. DAVIS
2555B**	ANTHONY D. PORTER
2556B*	DENISE M. NAPIWOCKI
2557B	VIRGINIA A. LEON

*Granted SCD – Retroactive

** Granted SCD – Employer Cannot Accommodate

*** Granted SCD – Salary Supplement

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Members

Non-Service Connected Disability Applications

On a motion by Chair Kehoe, seconded by Mr. Bernstein, 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:

APPLICATION NO.

NAME

3011

JAMES R. BLAKE

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6837A – REBECCA S. MADERA*

Mr. de la Garza made a motion, Mr. Okum seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.

6838A – DORIE P. MELLO

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

* Applicant Present

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6838A – DORIE P. MELLO (Continued)

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

The motion to deny a service connected disability retirement and find the applicant not permanently incapacitated passed with Ms. Gray voting no.

6839A – MICHELLE R. HAGGARD*

Mr. Okum made a motion, Ms. Gray seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31725.5 and 31720. The motion passed unanimously.

6840A – MICHAEL J. LEINWEBER

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

6841A – CYRIL H. LEGENDRE

Ms. Gray made a motion, Mr. Chery seconded to grant a service connected disability retirement.

Mr. Bernstein made a substitute motion, Mr. Kelly seconded, to refer back to staff for additional information. The motion passed unanimously.

6842A – JERRY BROWN

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

2302B – YOLANDA R. BELL

Mr. Kelly made a motion, Ms. Gray seconded, to continue the service connected disability retirement. The motion passed unanimously.

6688A – JOSEPH P. RUGGIERO, JR.*

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

6736A – MALISSA J. APODACA

Chair Kehoe made a motion, Mr. Chery seconded, to deny a service connected disability retirement without prejudice 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

6827A – BERTHA F. LUNA

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

6815A – N4102DRAC

Mr. Muir made a motion, Mr. Kelly seconded, to deny a service connected disability retirement since the employer can accommodate. 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. Bernstein made a motion, Mr. Okum seconded, to deny a service connected disability retirement and find the applicant not disabled.

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

Chair Kehoe made a motion, Mr. Muir 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. Kehoe, Bravo, Chery, and Ms. Gray voting no.

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

Linda M. Hagstrom – Thomas L. Hoegh for applicant
Allison E. Barrett for respondent

Mr. Chery made a motion, Mr. Kelly seconded, to deny a non-service connected disability retirement and service connected disability retirement since the employer can accommodate. The motion passed with Ms. Gray voting no.

C. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services: That the Board adopt the Proposed Findings of Fact and Conclusions of Law granting **Irene Muro (Valencia/Sauers)** a service-connected disability retirement. (Memo dated August 18, 2015)

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

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

2. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel, Disability Litigation: That the Board find the service-connected disability retirement application of **Bruce Arvizu** be deemed filed on the day after the last day of regular compensation in accordance with Government Code Section 31724.
(Letter dated August 12, 2015)

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

3. Recommendation as submitted by Vincent A. Lim, Chief Counsel, Disability Litigation: That the Board find the service-connected disability retirement application of **Victoria Restrepo** be deemed filed on the day after the last day of regular compensation in accordance with Government Code Section 31724.
(Letter dated August 17, 2015)

Mr. Okum 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. LACERA

The Board met in Executive Session pursuant to Government Code Section 54956.9. The Board voted unanimously to pay the attorney and court fees in this case.

September 2, 2015

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

1. Retirement Board Listing dated September 2, 2015

XI. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:05 a.m.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR