

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, OCTOBER 7, 2015

PRESENT: Shawn R. Kehoe, Chair

 Alan Bernstein, Vice Chair

 William de la Garza, Secretary

 Anthony Bravo

 Yves Chery

 Vivian H. Gray

 David L. Muir (Alternate Retired)

 Ronald A. Okum (Arrived at 9:01 a.m.)

 William Pryor (Alternate Member) (Arrived at 9:19 a.m.)

 Les Robbins

ABSENT: Joseph Kelly

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

JJ Popowich, Assistant Executive Officer

Dr. Vito Campese, Medical Advisor

Steven Rice, Chief Counsel

Ricki Contreras, Division Manager
Disability Retirement Services

STAFF ADVISORS AND PARTICIPANTS (Continued)

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel
Legal Division

Steven Tallant, Senior Staff Counsel
Disability Litigation

Allison E. Barrett, Senior Staff Counsel
Disability Litigation

Eugenia W. Der, Senior Staff Counsel

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

Michael Treger, 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.

II. PLEDGE OF ALLEGIANCE

Ms. Gray 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 September 2, 2015

Mr. de la Garza made a motion, Mr. Chery seconded, to approve the minutes of the regular meeting of September 2, 2015. The motion passed unanimously.

IV. REPORT ON CLOSED SESSION ITEMS

(Mr. Okum arrived at 9:01 a.m.)

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. Chery 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 September 24, 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 **Arnecy L. Hall**. (Memo dated September 17, 2015)
- D. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures & Services Committee: That the Board approve Roger Sohn, M.D. – Board Certified Orthopedist to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants. (Memo dated September 17, 2015)
- E. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated September 22, 2015)

VII. GOOD OF THE ORDER

(For information purposes only)

There was nothing to report during Good of the Order.

VIII. 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>
382C*	GLEN T. WILLIAMS
383C	CECILIA A. GENTNER
384C	DUANE J. SCOTT
385C	CHRISTINE L. CARNS
386C	BRANDON D. LOVE
387C	ROBERT L. RUSH
388C	ANTHONY J. ARNOLD
389C**	JASON L. STULTING
391C	DAVEY S. CHAPMAN, JR.
392C**	PHILIP C. BARTH
393C	KERRY L. LEVENSON

* Granted SCD - Retroactive

** Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
394C	LANCE E. TRAVIS
395C	MARIO R. CUEVAS
396C*	ERIC K. HAMILTON

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Bernstein, 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>
1704A	CLIFFORD R. MERIDTH
1705A	EUDELL L. CUNNINGHAM
1706A	MICHAEL A. LECKLITER
1707A	HECTOR MAGALLANES
1708A	RICHARD E. JOHNSON
1709A	PAUL G. HARTWELL

* Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Chery, 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>
2558B	CELIA M. MOURLOT
2559B	CYNTHIA A. WESLEY
2560B	STEPHEN M. DERRY
2561B*	SILVIA M. HOFAWGER
2562B*	AUDREY M. BIRD
2563B**	EDWARD G. BROWN
2564B***	EDNA EVAZYAN

* Granted SCD – Salary Supplemental

** Granted SCD – Employer Cannot Accommodate

*** Granted SCD – Retroactive with a 2 Year Review

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

Chair Kehoe requested that the Board handle those cases that were

Pulled off the Consent Calendar first.

APPLICATION NO. & NAME

BOARD ACTION

390C – CYNTHIA A. BERCIAN

Mr. Bernstein made a motion, Ms. Gray seconded, to grant a service connected disability retirement with a two year review pursuant to Government Code Section 31720 since the employer cannot accommodate.

Mr. Muir made a substitute motion, Ms. Gray seconded, to grant a service connected disability retirement without a two year review pursuant to Government Code Section 31720 since the employer cannot accommodate. The motion passed with Mr. Bernstein voting no.

6843A – ROLAND K. JACKSON

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

6844A – MARY F. MARSH*

Mr. de la Garza made a motion, Mr. Okum 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

2434B – BARBARA L. BARBERO*

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

6470A – PATRICIA L. HALL-JACOBS

Mr. Okum made a motion, Mr. Muir seconded, to grant a non-service connected disability retirement and grant the option for earlier effective date pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.

(Mr. Pryor arrived at 9:19 a.m.)

6821A – ROSARIO PEREZ

Chair Kehoe made a motion, Mr. Bernstein 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

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Rick W. Craig – Michael Treger for applicant
Allison E. Barrett for respondent

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

Dennis E. Cusino – Michael Treger for applicant
Allison E. Barrett for respondent

Mr. Okum made a motion, Mr. Chery seconded, to deny the option of an earlier effective date.

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

Terence P. Judge – Michael Treger for applicant
Steven Tallant for respondent

Chair Kehoe made a motion, Mr. Bernstein seconded, to grant a service connected disability retirement with an option of an earlier effective date. The motion passed unanimously.

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

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

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

Adwoa Appiah – Steven R. Pingel for applicant
Eugenia W. Der for respondent

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

Nubar Chalikian, Dec'd – Thomas J. Wicke for applicant
Mary A. Chalikian, Surv. Eugenia W. Der for respondent

(Mr. Robbins left the Boardroom at 10:20 a.m.)

Mr. de la Garza made a motion, Mr. Chery seconded, to grant the

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Nubar Chalikian, Dec'd – (Continued)

continuation of non-service connected survivor death benefits.

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

C. Staff Recommendations

1. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoice for Gutierrez, Preciado & House, LLP. (Memo dated September 23, 2015)

John Popowich was present to address questions from the Board.

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

Due to high costs, Chair Kehoe urged staff to properly evaluate cases being referred to outside counsel.

(Mr. Robbins returned to the Boardroom at 10:20 a.m.)

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

2. Recommendation as submitted by Francis J. Boyd, Senior Staff Counsel, Legal Division: That the Board reject Steven K. Christensen's request to file a late appeal of the Board of Retirement's August 16, 2013 decision because the Board has no legal authority to consider or reopen this decision. (Memo dated September 25, 2015)

Francis J. Boyd was present to address questions from the Board.

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

X. EXECUTIVE SESSION

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

1. Marina Wingenbach v. LACERA, et al.
Los Angeles Superior Court Case No. BC 593615

The Board met in Executive Session pursuant to Government Code Section 54956.9 in which there is nothing to report at this time.

2. Gloria Arellanes v. Board of Retirement

The Board met in Executive Session pursuant to Government Code Section 54956.9 in which there is nothing to report at this time.

October 7, 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 October 7, 2015

XI. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR