

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, NOVEMBER 4, 2015

PRESENT: Shawn R. Kehoe, Chair

Alan Bernstein, Vice Chair

William de la Garza, Secretary

Anthony Bravo

Yves Chery

Vivian H. Gray

Joseph Kelly

David L. Muir (Alternate Retired)

William Pryor (Alternate Member) (Arrived 9:04 a.m.)

Ronald A. Okum

Les Robbins

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

JJ Popowich, Assistant Executive Officer

Steven Rice, Chief Counsel

Dr. Vito Campese, Medical Advisor

Fern M. Billingsy, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Michael Herrera, Senior Staff Counsel

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

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

Steven M. Barry, Attorney at Law

Barry W. Lew, Legislative Affairs Officer

Kenneth S. Siers, LACERA Member

Phillip Solano, LACERA Member

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. Bernstein 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 October 7, 2015
- B. Approval of the Minutes of the Regular Meeting of October 15, 2015

Mr. Chery made a motion, Ms. Gray seconded, to approve the minutes of the regular meeting of October 7 and 15, 2015. The motion passed unanimously.

IV. REPORT ON CLOSED SESSION ITEMS

There was nothing to report.

V. OTHER COMMUNICATIONS

- A. For Information

- 1. September 2015 All Stars

Mr. Popowich announced the eight winners for the month of September: Courtney Cook, Maggie Luong, Everett Moyer, Steven Rice, Josielyn Bantugan, Karla Sarni, Sandra Cortez and Alex Yin for the Employee Recognition Program and Bill Lindstrom for the Webwatcher Program. Koleta Caldwell Antonio Ramos, Bonnie Nolley, and Cookie Jaranilla were the winners of LACERA's RideShare Program.

V. OTHER COMMUNICATIONS

2. Chief Executive Officer's Report
(Memo dated October 27, 2015) (Mr. Pryor arrived at 9:04 a.m.)

Mr. Rademacher provided a brief preview of what will be discussed at the upcoming Board of Investments meeting highlighting the actuarial valuation report.

Mr. Rademacher reminded the Board that the next meeting will be a combined Board of Retirement Disability and Administrative meeting on Wednesday, December 2, 2015.

Lastly, Mr. Rademacher congratulated LACERA staff member, Rey Sare, on his recent retirement.

VI. PUBLIC COMMENT

LACERA member, Phillip Solano, addressed the Board regarding agenda item XII. C. 1. pertaining to the effective date of his retirement.

VII. CONSENT AGENDA

Mr. Bernstein made a motion, Chair Kehoe 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 October 23, 2015)
- C. 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 **Eric L. Buege**. (Memo dated October 22, 2015)

VII. CONSENT AGENDA (Continued)

- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for a service-connected disability retirement in the case of **Roberto C. Suria Vazquez**. (Memo dated October 22, 2015)
- E. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures & Services Committee: That the Board approve Kenneth P. Scheffels, M.D. – Board Certified Orthopedist and Thomas W. Fell, Jr., M.D. – Board Certified Orthopedist to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants. (Memo dated October 13, 2015)
- F. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board approve attendance of Board members at the 13th Annual Made in America: 2016 Taft-Hartley Benefits Summit on January 24-26, 2016 in Las Vegas, Nevada and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy. (Memo dated October 19, 2015)
- G. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated October 16, 2015)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures and Services Committee: That the Board approve the proposed updated "Policy Statement: Hiring of Panel Physicians: Qualifications, Licensing, Certification and Insurance Requirements for Board Appointed Panel Physicians." (Memo dated October 22, 2015)

Ricki Contreras was present to answer questions from the Board.

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

VIII. NON-CONSENT AGENDA (Continued)

B. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board direct its voting delegate to support inclusion of the following in the SACRS 2016 legislative platform:

- 1) District Status for 1937 Act County Employees Retirement Systems (SACRS #1) – To provide retirement systems the option to adopt district status.
- 2) Optional Employee Sworn Statements (San Diego #1) – To allow the retirement system to collect the member's enrollment information directly from the employer in lieu of a sworn statement from the member. (Memo dated October 22, 2015)

Barry 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. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board direct staff to work with LACERA's legislative advocate and seek an author to introduce legislation to amend the definition of Plan D in the Prospective Plan Transfer provisions of the County Employees Retirement Law of 1937. (Memo dated October 22, 2015)

Barry Lew was present to answer questions from the Board.

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

VIII. NON-CONSENT AGENDA (Continued)

- D. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board delegate authority to the Chief Executive Officer to set the Chief Investment Officer's initial salary in the fourth quartile of the salary range. (Memo dated October 23, 2015)

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

- E. For information only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the 2015 Enacted Retirement Legislation. (Memo dated October 23, 2015)
- F. For information only as submitted by Steven P. Rice, Chief Counsel, regarding the update on new proposed Reed DeMaio initiatives. (Memo dated October 27, 2015)

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

Mr. Chery requested that the meeting be adjourned in memory of

Probation Deputy, Suzanne Klein and Probation staff, Dajuan O. Thompson.

Mr. Muir invited the Board members to the RELAC Luncheon that will be held on January 12, 2016.

Furthermore, Mr. Kelly recognized Mr. Muir for his speech at the Board of Supervisor's meeting regarding RELAC and shared his experience in attending the PPI Roundtable in Tokyo, Japan.

X. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Chair Kehoe, 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>
397C*	ANTHONY F. SPATOLA
398C	DONALD M. ROBERTSON
399C	PAUL N. KOBE
400C	DINA R. LINCOLN
401C**	JERRY C. CUMMINS
402C*	GERARD A. VELONA
403C	EDWARD C. OTERO
404C	TERRENCE G. SMITH
405C*	LINDA M. KNIEST
406C	VICKIE L. PANZONE
407C	JACK S. JORDAN, JR.
408C	VINCENT RIVERA

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Retroactive Since Employer Cannot Accommodate

X. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR (Continued)

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Pryor, 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>
1710A*	MITCHELL J. MARTINEZ
1711A	WILLIAM L. KNOTT
1712A	SCOTT L. ROBINSON
1713A	KEITH R. NASH
1714A	WILLIAM J. PRENTICE
1715A	JOSEPH P. COFFEY
1716A	JOHN K. KNOWLES
1717A	CHRISTOPHER M. ADRIANCE
1718A	EDWARD ESTRADA

* Granted SCD – Retroactive

X. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR (Continued)

General Members

Service-Connected Disability Applications

On a motion by Mr. Chery, 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>
2565B*	MARY E. MORENO
2566B	JING-YUEH CHEN
2567B*	LATANYA C. LOVE
2568B	RONNA M. BRYANT
2569B	ROBERT P. KEHLER
2570B	ELAINE C. TAFESSE
2571B*	MARIA T. KENNEDY

* Granted SCD – Retroactive

X. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR (Continued)

General Members

Non-Service Connected Disability Applications

On a motion by Ms. Gray, seconded by Mr. Okum, 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

4334

SANDRA MARTINEZ

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED
SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6845A – VIVIAN RUIZ

Chair Kehoe made a motion, Ms. Gray seconded, to refer back to staff for additional information. The motion passed with Mr. Kelly voting no.

6847A – YVETTE D. LARTHURIDGE*

Mr. Bernstein made a motion, Mr. de la Garza seconded, to grant a non-service connected disability with the option for an earlier effective date pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.

* Applicant Present

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
6848A – STEPHANIE M. DE FIORE	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.
6849A – ROSE M. THOMAS	Chair Kehoe made a motion, Mr. Kelly seconded, to deny a service connected disability retirement since the employer can accommodate. The motion passed unanimously.
6834A – LAURIE J. BRIGGS	Mr. Chery made a motion, Mr. Kelly seconded, to grant a non-service connected disability with the option for an earlier effective date pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.
45C – RISANA NOWELL	Chair Kehoe made a motion, Ms. Gray seconded, to continue with the service connected disability retirement. The motion passed unanimously.
270C – CHARLES J. CASTILLE, JR.	Mr. Robbins made a motion, Mr. Chery seconded, to grant a service connected disability retirement with survivor benefits pursuant to Government Code Sections 31787, 31720 and 31720.5. The motion passed unanimously.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6846A – D4102DRAA

Mr. Chery made a motion, Mr. Kelly seconded, to deny a service connected disability retirement.

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

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Sandra Munoz* – Steven M. Barry for applicant
Eugenia Der for respondent

(This case was handled out of order, after Nubar Chalikian.)

Mr. Kelly made a motion, Mr. Chery seconded, to deny a service connected disability retirement and grant a non-service connected disability retirement.

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

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Sandra Munoz* – Steven M. Barry for applicant
Eugenia Der for respondent

The motion to deny a service connected disability retirement and grant a non-service connected disability retirement passed (roll call) with Messrs. Kelly, Bernstien, Bravo, Okum, Robbins, de la Garza, and Chery voting yes; and Ms. Gray and Chair Kehoe voting no.

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

(This case was handled out of order, before Nubar Chalikian.)

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

Ms. Gray made a substitute motion, Mr. Pryor seconded, to grant an earlier effective date. The motion passed unanimously.

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

(Mr. Bernstein left the meeting at 11:15 a.m.) (This case was handled out of order, after Sandra Munoz.)

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

Mr. Chery made a substitute motion, Mr. Robbins seconded, to grant a service connected disability retirement. The motion failed (roll call) with Messrs. Bravo, Chery, Chair Kehoe, and Ms. Gray voting yes; and Messrs. Kelly, Okum, Robbins, and de la Garza voting no.

The motion to deny a service connected disability retirement and find the applicant not disabled failed (roll call) with Messrs. Kelly, Okum, Robbins, and de la Garza voting yes; and Messrs. Bravo, Chery, Chair Kehoe, and Ms. Gray voting no.

This case will be placed on the appeals agenda for next month.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Nubar Chalikian – Thomas J. Wicke for applicant
Eugenia W. Der for respondent

(Mr. Kelly recused himself prior to oral argument.) (This case was handled out of order, after Dennis E. Cusino.)

Mr. Chery made a motion, Mr. Bravo seconded, to grant a service connected disability retirement. The motion failed (roll call) with Messrs. Bravo, Chery, Chair Kehoe, and Ms. Gray voting yes; and Messrs. Bernstein, Okum, Robbins, and de la Garza voting no.

Mr. Bernstein made a substitute motion, Mr. Okum seconded, to grant a non-service connected disability retirement with the continuation of survivor death benefits. The motion failed (roll call) with Messrs. Bernstein, Okum, Robbins, and de la Garza voting yes; and Messrs. Bravo, Chery, Chair Kehoe, and Ms. Gray voting no.

This case will be placed on the appeals agenda for next month.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Kenneth S. Siers – In Pro Per

Steven Tallant for respondent

(This case was handled out of order, after Henry W. Jansen III.)

Mr. de la Garza 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 Ricki Contreras, Manager, Disability Retirement Services Division: That the Board reject the application of **Olivia L. Padilla** for processing.
(Memo dated October 19, 2015)

Ricki Contreras was present to address questions from the Board.

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

2. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel, Disability Litigation: That the Board find that the service-connected disability retirement application of **Anthony Riley** be deemed filed on the day after the last day of regular compensation in accordance with Government Code Section 31724.
(Letter dated October 27, 2015)

Allison E. Barrett was present to address questions from the Board.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

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

3. For information only as submitted by Ricki Contreras, Manager, Disability Retirement Services Division, regarding the 2015 Quarterly Reports of Paid Invoices.
(Memo dated October 16, 2015)

XII. EXECUTIVE SESSION

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

1. Ralph T. Nishihira v. Board of Retirement

The Board met in Executive Session pursuant to Government Code Section 54956.9 and voted unanimously to pay Mr. Nishihira \$540 in court costs and pay \$14,360 in attorney fees.

2. George A. Vanecek 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.

XII. EXECUTIVE SESSION (Continued)

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

1. Monique Hudson v. County of Los Angeles et. al.
Los Angeles Superior Court Case No. BC 458667

The Board met in Executive Session pursuant to Government Code Section 54956.9 in which the Board gave direction to counsel.

C. Conference with Legal Counsel - Anticipated Litigation
Significant Exposure to Litigation
(Pursuant to Paragraph (2) of Subdivision (d) of California
Government Code Section 54956.9)

1. Administrative Appeal of Phillip Solano

The Board met in Executive Session pursuant to Government Code Section 54956.9 and voted unanimously to grant an earlier retirement date.

2. Employment Claim of David Kushner

The Board met in Executive Session pursuant to Government Code Section 54956.9 in which there is nothing 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 November 4, 2015
2. Disability Retirement Evaluation Summary/Report Correction Memo – Vivian Ruiz - #6845A (Memo dated November 3, 2015)
3. Disability Retirement Evaluation Summary/Report Correction Memo – Rose M. Thomas - #6849A (Memo dated November 3, 2015)

November 4, 2015

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XIII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:10 p.m. in memory of Suzanne Klein and Dajuan O. Thompson from the LA County's Probation Department.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR