

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, JANUARY 6, 2016

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) (Mr. Pryor left at 9:40 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

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

Allison E. Barrett, Senior Staff Counsel  
Disability Litigation

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. ELECTION OF OFFICERS

(Election of Chair, Vice Chair, Secretary, and Audit Committee Member)

The election of officers was conducted by Secretary de la Garza:

A) Chair of the Board

Mr. Kehoe was nominated to the position of Chair of the Board of Retirement by Mr. de la Garza.

Hearing no other nominations the nominations were closed on a motion by Mr. de la Garza, seconded by Mr. Okum.

II. ELECTION OF OFFICERS (Continued)

Secretary de la Garza announced that Mr. Kehoe was elected to the position of Chair of the Board of Retirement.

B) Vice Chair of the Board

Ms. Gray was nominated to the position of Vice Chair of the Board of Retirement by Mr. Bernstein.

Hearing no other nominations the nominations were closed on a motion by Mr. Bernstein, seconded by Mr. Chery.

Secretary de la Garza announced that Ms. Gray was elected to the position of Vice Chair of the Board of Retirement.

C) Secretary of the Board

Mr. de la Garza was nominated to the position of Secretary of the Board of Retirement by Ms. Gray.

Hearing no other nominations the nominations were closed on a motion by Ms. Gray, seconded by Mr. Bernstein.

Secretary de la Garza announced that he was elected to the position of Secretary of the Board of Retirement.

D) Audit Committee Member

Mr. Kelly was nominated to the position of Audit Committee Member by Chair Kehoe.

II. ELECTION OF OFFICERS (Continued)

Hearing no other nominations the nominations were closed on a motion by Chair Kehoe, seconded by Mr. Bernstein.

Secretary de la Garza announced that Mr. Kelly was elected to the position of Audit Committee Member.

III. PLEDGE OF ALLEGIANCE

Mr. Chery led the Board Members and staff in reciting the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of December 2, 2015

Mr. Chery made a motion, Mr. Okum seconded, to approve the minutes of the regular meeting of December 2, 2015. The motion passed unanimously.

V. REPORT ON CLOSED SESSION ITEMS

No items were reported.

VI. PUBLIC COMMENT

There were no requests from the public to speak.

VII. CONSENT AGENDA

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

VII. CONSENT AGENDA (Continued)

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Requests for an administrative hearing before a referee.  
(Memo dated December 9, 2015)
- C. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated December 18, 2015)

VIII. GOOD OF THE ORDER

(For information purposes only)

Mr. Rademacher recognized Virginia Carrillo, Mamie Kwan, and Juan Almaguer on their recent retirement and thanked them for their careers serving the LACERA membership.

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement  
Service-Connected Disability Applications

On a motion by Mr. Kelly, seconded by Mr. Chery, 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>      |
|------------------------|------------------|
| 421C                   | ROBERT M. RIFKIN |
| 422C                   | JANICE E. MUNSON |

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

| <u>APPLICATION NO.</u> | <u>NAME</u>         |
|------------------------|---------------------|
| 423C                   | TIMOTHY C. MILEY    |
| 424C*                  | ERNEST T. DIAZ      |
| 425C                   | DAVID S. KIM        |
| 426C**                 | RICHARD W. BARRETT  |
| 427C**                 | DONALD T. HERNANDEZ |
| 428C***                | DEBORAH R. HAYES    |
| 429C*                  | WARREN E. FAIRBANKS |
| 430C**                 | PHILLIP BUSCH       |
| 431C                   | VICTOR M. RONQUILO  |
| 432C                   | MARTIN V. DEIRO     |
| 433C                   | MICHAEL A. PROCTOR  |
| 434C                   | ANDREW M. AVELINO   |

\* Granted SCD – Retroactive

\*\* Granted SCD – Employer Cannot Accommodate

\*\*\* Applicant Present

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR  
(Continued)

Safety-Fire, Lifeguard  
Service-Connected Disability Applications

On a motion by Mr. Okum, 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>          |
|------------------------|----------------------|
| 1725A*                 | TIMOTHY A. WILLIAMS  |
| 1726A                  | MICHAEL R. JASPERSON |
| 1727A                  | MICHAEL R. SHANNON   |
| 1728A                  | STEVEN E. GARNER     |

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>         |
|------------------------|---------------------|
| 2580B                  | VERNARDINE MARTINEZ |

\* Granted SCD – Retroactive

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)  
Service-Connected Disability Applications

| <u>APPLICATION NO.</u> | <u>NAME</u>                |
|------------------------|----------------------------|
| 2581B                  | RITA M. DOWELL             |
| 2582B*                 | ANN C. RUTAR               |
| 2583B**                | LESTER R. MIGUEL           |
| 2584B                  | LINDA S. ESTRADA (KRZYCKI) |
| 2585B                  | SHEILA J. CROSBY           |
| 2586B*                 | HELEN E. ROEBUCK           |
| 2587B***/**            | CLINTON E. HOWARD, JR.     |
| 2588B***               | LETICIA CARLSON            |
| 2589B***               | CASSANDRA F. YOUNGBLOOD    |
| 2590B*/**              | NEAL H. OSHEROW            |

\* Granted SCD – Retroactive

\*\* Granted SCD – Survivor Benefit

\*\*\* Granted SCD – Employer Cannot Accommodate

\*\*\*\* Applicant Present



IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Non-Service Connected Disability Applications

On a motion by Mr. de la Garza, 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:

| <u>APPLICATION NO.</u> | <u>NAME</u>         |
|------------------------|---------------------|
| 4337*                  | ARIANNE B. PACHTER  |
| 4338*                  | IMELDA LIEZ N. DIAZ |

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

| <u>APPLICATION NO. &amp; NAME</u> | <u>BOARD ACTION</u>  |
|-----------------------------------|--|
| 6863A – SCOTT R. FRIEDMAN         | Mr. Chery made a motion, Ms. Gray seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously. |
| 6864A – MARYLOU D. VELASQUEZ      | Mr. Okum made a motion, Ms. Gray seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.        |

\* Granted NSCD - Retroactive

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

| <u>APPLICATION NO. &amp; NAME</u> | <u>BOARD ACTION</u>   |
|-----------------------------------|---|
| 6865A – JUAN G. BECERRA           | Mr. Muir 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.  |
| 6866A – SELINA C. SAFARI          | Chair Kehoe made a motion, Ms. Gray seconded, to deny a service connected disability retirement without prejudice.<br><br>The makers of the motion amended their motion to refer back to staff for additional information. The motion passed unanimously.                 |
| 6742A – RANEE A. WERNER           | Chair Kehoe made a motion, Mr. Chery seconded, to grant a service connected disability retirement. The motion passed (roll call) with Messrs. Bravo, Robbins, Chery, Chair Kehoe, and Ms. Gray voting yes; and Messrs. Kelly, Bernstein, Okum, and de la Garza voting no. |
| 6841A – CYRIL H. LEGENDRE         | Mr. de la Garza made a motion, Chair Kehoe seconded, to deny a service connected disability retirement since the employer can accommodate. The motion passed unanimously.   |

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION  
(Continued)

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Anna M. Enriquez – Thomas J. Wicke for applicant  
Steven Tallant for respondent

Chair Kehoe made a motion, Ms. Gray seconded, to grant a service connected disability retirement. The motion passed unanimously.

Gilbert D. Anderson – Thomas J. Wicke for applicant  
Eugenia W. Der for respondent

Mr. Bernstein made a motion, Chair Kehoe seconded, to grant a service connected disability retirement. The motion passed unanimously.

Rafael Ortiz – Michael Treger for applicant  
Eugenia W. Der for respondent

Mr. Pryor made a motion, Chair Kehoe seconded, to grant the option of an earlier effective date. The motion passed unanimously.

Alfred J. Castro – Michael Treger for applicant  
Allison E. Barrett for respondent

Mr. Okum made a motion, Mr. Pryor seconded, to grant a service connected disability retirement and deny the option of an earlier effective date. The motion passed unanimously.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued) (Mr. Pryor left at 9:40 a.m.)

APPLICATION NO. & NAME

BOARD ACTION

Mary L. McFadden – Thomas J. Wicke for applicant  
Allison E. Barrett for respondent

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

C. Staff Recommendations

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

1. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel, Disability Litigation: That the Board find that the service-connected disability retirement application of **William F. Bennett, Jr.** be deemed filed on the day after the applicant's last day of regular compensation in accordance with Government Code Section 31724. (Letter dated December 10, 2015)
2. Recommendation as submitted by Steven Tallant, Senior Staff Counsel, Disability Litigation: That the Board find that **Craig Boyett** delayed the filing of his application for disability retirement because he was unable to ascertain the permanency of his incapacity and that his application be deemed filed on the day after the last day of regular compensation in accordance with Government Code Section 31724. (Letter dated December 15, 2015)

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

3. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoice for Gutierrez, Preciado & House, LLP. (Memo dated December 9, 2015)

Green Folder Information (Information distributed in each Board Member's Green Folder at the beginning of the meeting)

1. Retirement Board Listing dated January 6, 2016
2. Disability Retirement Evaluation Report Correction Memo – Marylou D. Velasquez (Memo dated January 5, 2016)

XI. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:07 a.m.

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WILLIAM DE LA GARZA, SECRETARY

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SHAWN R. KEHOE, CHAIR