

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, FEBRUARY 3, 2016

PRESENT: Shawn R. Kehoe, Chair  
Alan Bernstein, Vice Chair  
William de la Garza, Secretary  
Anthony Bravo  
Yves Chery  
Vivian H. Gray (Arrived at 9:25 a.m.)  
David L. Muir (Alternate Retired)  
Les Robbins  
William Pryor (Alternate Member)  
Ronald A. Okum

ABSENT: Joseph Kelly

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

JJ Popowich, Assistant Executive Officer

Steven Rice, Chief Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Dr. Vito Campese, Medical Advisor

Ricki Contreras, Division Manager  
Disability Retirement Services

Vickie Neely, 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. 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 January 6, 2016

III. APPROVAL OF MINUTES (Continued)

Mr. Chery made a motion, Mr. Okum seconded, to approve the minutes of the regular meeting of January 6, 2016. The motion passed unanimously.

IV. REPORT ON CLOSED SESSION ITEMS

No items were reported.

V. PUBLIC COMMENT

There were no requests from the public to speak.

VI. 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 January 20, 2016)
- C. 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 **Richard M. Fontenot**. (Memo dated January 13, 2016)
- 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 **Lamberto R. Villarroel**. (Memo dated January 20, 2016)

VI. CONSENT AGENDA (Continued)

- E. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures & Services Committee: That the Board approve Jason J. Chiu, M.D. – Board Certified Orthopedist to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants. (Memo dated January 13, 2016)
- F. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated January 20, 2016)

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

On behalf of RELAC, Mr. de la Garza thanked the Board and staff for attending the RELAC Luncheon.

Mr. Rademacher introduced the Disability Retirement Secretary, Marilu Bretado, to the Board.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement  
Service-Connected Disability Applications

On a motion by Chair Kehoe, seconded by Mr. de la Garza, 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:

APPLICATION NO.

NAME

435C

RANDY D. HANEY

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
436C*	MICHAEL E. JONES
437C*	ALEXANDER F. VAZIRI
438C**	MICHAEL D. COFIELD
439C	BERNADETTE G. GAMBINO

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>
1729A	RICHARD M. DOMINGUEZ
1730A	LAYNE R. CONTRERAS
1731A	HOWARD J. KLINE, JR.
1732A	GREGORY C. LEE
1733A	RICARDO D. ORTIZ

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD – Retroactive

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1734A	ROBERT K. WILKINSON
1735A	MICHELE G. FIORENZA
1736A	JOSEPH WESTRUP
1737A*	RONALD S. REED

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>
2591B*	GARY D. BARNETT
2592B	BETTY M. ESTRADA
2593B	WILLARD E. PUGH
2594B	LARRY G. SPEARS

\* Granted SCD – Retroactive

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR  
(Continued)

General Members

Non-Service Connected Disability Applications

On a motion by Mr. Okum, seconded by Mr. Muir, 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

4339

MARIA R. ACOSTA

4340

KAREN D. GARRETT

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6867A – ISABELITO PADUA

Mr. Bernstein 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.

6868A – LILIANA V. RIVAS

Mr. Pryor made a motion, Mr. Chery 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)

<u>APPLICATION NO. &amp; NAME</u>	<u>BOARD ACTION</u>
6869A – PAUL COOKE (Deceased)	<p>Mr. Okum made a motion, Mr. Chery seconded, to deny a service connected disability retirement with survivor benefit.</p> <p>Mr. Muir made a substitute motion, Mr. Pryor seconded, to refer back to staff for additional information. The motion passed unanimously.</p>
<p>(Ms. Gray arrived at 9:25 a.m.)</p>	
6870A – PHILLIP R. CHAVEZ*	<p>Mr. de la Garza made a motion, Mr. Bravo seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.</p>
6871A – ROSE R. CHACKO	<p>Mr. Bernstein made a motion, Mr. Pryor seconded, to deny without prejudice a service connected disability retirement. The motion passed unanimously.</p>
6872A – RICHARD L. CRANE	<p>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.</p>
6873A – TERESA R. ANDERSON	<p>Pulled from the Agenda at the request of staff.</p>

\* Applicant Present



IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

1542A – BRUCE D. DEAN\*

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

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Armando Carrillo – Michael Treger for applicant  
Allison E. Barrett for respondent

Chair Kehoe made a motion, Mr. Bravo seconded, to refer back to staff. The motion passed unanimously.

Chair Kehoe requested that staff prepare a Nutshell with information pertaining to regular compensation.

Shawn P. Corbeil – Michael Treger for applicant  
Allison E. Barrett for respondent

Chair Kehoe made a motion, Mr. Bravo seconded, to refer back to staff. 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

Michael J. Singer – Michael Treger for applicant  
Allison E. Barrett for respondent

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

Mr. Pryor made a substitute motion, Chair Kehoe seconded, to refer back to staff for further information. The motion passed with Mr. de la Garza voting no.

Yvonne Dawson – Thomas J. Wicke for applicant  
Eugenia W. Der for respondent

Mr. Okum made a motion, Chair Kehoe seconded, to deny a service connected disability retirement find the applicant not permanently incapacitated.

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

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Kenneth C. Ruffcorn – Thomas J. Wicke for applicant  
Eugenia W. Der for respondent

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

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

Patricia Guy-Clarke – In Pro Per  
Steven Tallant for respondent

Mr. Muir made a motion, Chair Kehoe seconded, to deny a service connected disability retirement find the applicant not permanently incapacitated. The motion passed unanimously.

C. Staff Recommendations

1. Recommendation as submitted by Vincent A. Lim, Chief Counsel, Disability Litigation: That the Board find that **Joseph Gagliardi** 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 January 12, 2016)

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

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

2. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board adopt the Proposed Findings of Fact and Conclusions of Law granting **Dennis E. Cusino** for an earlier effective date pursuant to Government Code Section 31724. (Memo dated January 21, 2016)

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

3. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the 4<sup>th</sup> Quarter Report of Paid Invoices for October 1, 2015 – December 31, 2015. (Memo dated January 22, 2016)

Ms. Contreras was present to answer questions from the Board.

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

1. Retirement Board Listing dated February 3, 2016
2. Disability Retirement Evaluation Report Correction Memo – Rose R. Chacko (Memo dated February 3, 2016)

February 3, 2016

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X. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:08 a.m.

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WILLIAM DE LA GARZA, SECRETARY

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SHAWN R. KEHOE, CHAIR