

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, JULY 6, 2016

PRESENT: Shawn R. Kehoe, Chair  
Vivian H. Gray, Vice Chair  
William de la Garza, Secretary  
Marvin Adams  
Anthony Bravo  
Yves Chery  
Keith Knox (Chief Deputy to Joseph Kelly)  
David L. Muir (Alternate Retired)  
Ronald A. Okum  
William Pryor (Alternate Member)  
Les Robbins

ABSENT: Joseph Kelly

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

John Popowich, Assistant Executive Officer

STAFF ADVISORS AND PARTICIPANTS (Continued)

Dr. Vito Campese, Medical Advisor

Steven P. Rice, Chief Counsel

Ricki Contreras, Division Manager  
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor  
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel  
Legal Division

Vincent A. Lim, Chief Counsel  
Disability Litigation

Allison E. Barrett, Senior Staff Counsel  
Disability Litigation

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

Danny T. Polhamus, Attorney at Law

Jennifer S. Creighton, Attorney at Law  
Winet, Patrick, Gayer, Creighton & Hanes

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 June 1, 2016

Mr. Chery made a motion, Mr. Adams seconded, to approve the minutes of the regular meeting of June 1, 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. Chery made a motion, Mr. Robbins 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 June 21, 2016)
- C. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures & Services Committee: That the Board approve Noam Drazin, M.D. – Board Certified Oncologist to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants.  
(Memo dated June 10, 2016)
- D. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures & Services Committee: That the Board approve Jonathan T. Nassos, M.D. – Board Certified Orthopaedist to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants.  
(Memo dated June 10, 2016)

VI. CONSENT AGENDA (Continued)

- E. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated June 24, 2016)

VII. REPORT ON STAFF ACTION ITEMS

There was nothing to Report on Staff Action Items.

VIII. GOOD OF THE ORDER

(For information purposes only)

There was nothing to report during Good of the Order.

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Chair Kehoe, 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:

APPLICATION NO.

NAME

496C

ROBERT E. MAHONEY III

497C

MATTHEW C. SCHWABE

498C

ALEXANDER O. GOMEZ

499C

MARTHA M. MEDENWALDT

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
500C	THOMAS W. BRYSKI
501C	DANA R. VILANDER
502C	MERRICK C. PARKER
503C	JAMES K. SWANSON
504C	SHANE T. ROBLEY
505C	CASSANDRA E. MARTINEZ
506C	MICHAEL G. REDDY
507C	VERONICA TORO

Safety-Fire, Lifeguard  
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Chair Kehoe, 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>
1779A	TIMOTHY A. BAKER
1780A	CLARK J. PEARSON

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1781A*	DAVID L. WYLIE
1782A**	LARRY D. WILLIAMS
1783A	MICHAEL B. DAVIS
1784A	TIMOTHY E. SHUBIN
1785A**	DEAN T. MILLER
1786A	ROBERT A. HAZELTON
1787A	JEFFREY A. RUSSELL

General Members  
Service-Connected Disability Applications

On a motion by Mr. Chery, 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>
2627B	ABEL M. BALLESTEROS

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

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2628B*	CHRISTINA L. NUNEZ
2629B**	YASSAMAN FAGHANI
2630B**	VINCENT A. MARTIN
2631B***	GERMAINE L. DEFENDI
2632B*	MUOI T. MARTIN
2633B*	MANUEL A. HERNANDEZ
2634B	JACK J. TERRANA
2635B*	BLANCA R. ROSAS

\* Granted SCD – Retroactive

\*\* 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. Pryor, 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

4344\*

ADILSON T. RICHA

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6895A – ALAN D. GILLETTE

Ms. Gray made a motion, Mr. Adams seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

6896A – LINDA H. GRIFFIN

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

6897A – KIMBERLY K. KLEINSCHMIDT

Mr. Adams made a motion, Chair Kehoe seconded, to grant a non-service connected

\* Granted NSCD – Salary Supplemental



X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6897A – KIMBERLY K. KLEINSCHMIDT (Continued)

disability retirement pursuant to Government Code Section 31720.

Ms. Gray made a substitute motion, Mr. Chery seconded, to refer back to staff for additional information. The motion passed with Mr. de la Garza voting no.

6898A – CONSUELO VIEYRA\*

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

6899A – ROBERT E. JONES (Deceased) \*\*

Ms. Gray made a motion, Mr. Chery seconded, to grant a service connected disability retirement. The makers of the motion withdrew their motion.

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

\* Applicant Present

\*\* Applicant's Spouse Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6813A – CRANDLON R. MCGINNIS

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

2620B – MELVIN IRVIN

Mr. Chery made a motion, Mr. Okum seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720 since the employer cannot accommodate. The motion passed unanimously.

2636B – S5110DRSM

(Mr. Knox recused himself from the Boardroom prior to discussion of this case.)

Mr. Chery made a motion, Mr. Robbins seconded, to grant a service connected disability retirement. The motion passed (roll call) with Messrs. Adams, Bravo, Okum, Robbins, de la Garza, Chery, Ms. Gray, and Chair Kehoe voting yes.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

GINA MCDOWELL\* – Danny T. Polhamus for the applicant  
Allison E. Barrett for the respondent

Mr. Chery made a motion, Mr. Bravo seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated.

\* Applicant Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

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

JOEL H. MACKAY – Thomas J. Wicke for the applicant  
Eugenia W. Der for the respondent

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

C. Staff Recommendations

1. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel, Disability Litigation: That the Board find **Arnold Leon** permanently incapacitated for service-connected reasons and grant him a service-connected disability retirement. (Letter dated June 15, 2016)

Mr. Lim was present to answer questions from the Board.

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

XI. EXECUTIVE SESSION

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

1. Marlena Graves v. Board of Retirement

The Board met in Executive Session pursuant to Government Code Section 54956.9 in which the Board unanimously approved to pay Ms. Graves court costs in the amount of \$580 and attorney fees in the amount of \$12,790.

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

1. Retirement Board Listing dated July 6, 2016
2. Disability Retirement Evaluation Summary Correction Memo – Blanca R. Rosas  
(Memo dated June 21, 2016)
3. Disability Retirement Evaluation Summary Correction Memo – Melvin Irvin  
(Memo dated July 5, 2016)

XII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:28 a.m.

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WILLIAM DE LA GARZA, SECRETARY

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SHAWN R. KEHOE, CHAIR