

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 2, 2016

PRESENT: Vivian H. Gray, Vice Chair (Arrived at 9:05 a.m.)
William de la Garza, Secretary
Marvin Adams
Yves Chery
David L. Muir (Alternate Retired)
Joseph Kelly
Ronald A. Okum
William Pryor (Alternate Member) (Left at 10:40 a.m.)
Les Robbins

ABSENT: Shawn R. Kehoe, Chair

Anthony Bravo

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

John Popowich, Assistant Executive Officer

Steven P. Rice, Chief Counsel

Michael Herrera, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Barry W. Lew, Legislative Affairs Officer

Fern M. Billingsy, Senior Staff Counsel
Legal Division

Ricki Contreras, Division Manager
Disability Retirement Services

Vickie Neely, Specialist Supervisor
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel
Legal Division

Eugenia W. Der, Senior Staff Counsel
Disability Litigation

Jason E. Waller, Senior Staff Counsel
Disability Litigation

Thomas Wicke, Attorney at Law

Jill P. Rawal, Staff Counsel

I. CALL TO ORDER

The meeting was called to order by Ms. Gray at 9:06 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Robbins 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 5, 2016
- B. Approval of the Minutes of the Regular Meeting of October 13, 2016

Mr. de la Garza made a motion, Mr. Chery seconded, to approve the minutes of the regular meetings of October 5, 2016 and October 13, 2016. The motion passed with Ms. Gray abstaining.

IV. REPORT ON CLOSED SESSION ITEMS

No items were reported.

V. OTHER COMMUNICATIONS

A. For Information

1. Service Award

Service awards will be presented at the next Board meeting.

2. September 2016 All Stars

Mr. Popowich announced the eight winners for the month of September: Hernan Barrientos, Donna Hansen, Stacy Green, La Tonya Robinson, Roxana Castillo, Vache Mahseredjian, Clarence Malone, and Katy Tieu for the Employee Recognition Program and Sevan Simonian for the Webwatcher Program. Ervin Wu, Barry Lew, Dale Johnson and Julieta Bryan were the winners of LACERA's RideShare Program.

3. Chief Executive Officer's Report (Memo dated October 25, 2016)

Mr. Rademacher announced that the Board of Supervisors appointed Alan

V. OTHER COMMUNICATIONS

A. For Information

3. Chief Executive Officer's Report (Continued)

Bernstein to the Board of Retirement for a term of office beginning January 1, 2017 and ending December 31, 2019 and that Mr. Robbins will be leaving the Board at the end of his current term.

Mr. Rademacher shared that staff participated in the Los Angeles County 2016 Productivity and Quality Awards Program. Mr. Rademacher recognized Derwin Brown and the Quality Assurance team for their Certificate of Recognition for "What Gets Measured, Gets Managed."

Furthermore, the Executive Office hosted the Taiwan Ministers delegation visit to LACERA.

Lastly, the Board Offsite has been scheduled for Tuesday, January 24, 2017 through Friday, January 27, 2017 in Los Angeles, CA.

VI. PUBLIC COMMENT

There were no requests from the public to speak.

VII. CONSENT AGENDA

Mr. Robbins made a motion, Mr. Pryor 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 20, 2016)

VII. CONSENT AGENDA (Continued)

- 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 **Robert Cruley**. (Memo dated October 18, 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 **Jackie E. Vahlgren**. (Memo dated October 18, 2016)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board direct its voting delegate to A) Oppose inclusion in the SACRS 2017 legislative platform of “Voting Rights of Alternate Retiree Member” (MCERA #1); and B) Take no action on “Transfer of Accrued Leave Balances” (VCERA #1). (Memo dated October 21, 2016) (Supplemental Agenda Information memo dated October 24, 2016)

Mr. Lew was present and answered questions from the Board.

Mr. Okum made a motion, Mr. Pryor seconded, to approve staff’s recommendation. The motion passed unanimously.

- B. Recommendation as submitted by Fern M. Billingsy, Senior Staff Counsel: That the Board 1) Adopt the resolution specifying that canine handlers pay earned on and after June 1, 2015, by investigators in the Bureau of Investigation Unit of the District Attorney’s Office qualifies as compensation earnable; 2) Instruct staff to implement this change by coordinating with the County Auditor-Controller to remit member and employer contributions; and 3) Instruct staff to collect arrears contributions for canine handlers pay in accordance with the Board’s policy regarding implementation of new pensionable pay items. (Memo dated October 31, 2016)

VIII. NON-CONSENT AGENDA (Continued)

Ms. Billigy was present and answered questions from the Board.

Mr. Muir made a motion, Mr. Chery seconded, to approve staff's recommendation. The motion passed unanimously.

- C. Recommendation as submitted by Steven P. Rice, Chief Counsel: That the Board review and comment upon the proposed restated Code of Ethical Conduct. (Memo dated October 24, 2016)

Mr. Rice was present and answered questions from the Board. The Board gave direction to staff regarding this item.

IX. FOR INFORMATION ONLY

The following reports were received and filed.

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated October 21, 2016)
- B. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the 2016 Year-End Legislative Report. (Memo dated October 21, 2016)

X. REPORT ON STAFF ACTION ITEMS

In regards to Item VIII. C., the Board requested Mr. Rice to prepare a single page summary regarding the rules related to gifts. In addition, the Board requested a presentation regarding political contributions be agendized for a future Operations Oversight Committee.

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

Mr. Robbins thanked the Call Center for assisting members with their questions pertaining to Medical Part B benefit.

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Mr. Okum, 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:

<u>APPLICATION NO.</u>	<u>NAME</u>
544C*	STEVEN C. OWEN (DEC'D)
545C	CRAIG S. ANDERSON
546C	STEVEN F. HOLLAND
547C	ANTHONY P. ESQUIVEL
548C	ADRIENNE MYERS
549C	DANIEL BAZAN
550C	STEVE CAMPANA
551C	NICHOLAS G. RAMPONE

* Granted SCD – Survivor Benefit

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
552C	ROD R. KUBLY
553C*	YOAV SHALEV
554C*	THERESA L. WAID
555C	MATTHEW R. THIEBAUD
556C**	BOOKER T. HOLLIS
557C	ROBERT P. BOESE, JR.
558C	ROBERT E. BAYES

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Pryor, 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>
1804A	DAN R. DEMEYER
1805A	MICHAEL KUSABA

* Granted SCD – Employer Cannot Accommodate

** Applicant Present

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Robbins, 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>
2659B*	VIVIAN L. MCNAMARA
2660B**	MICHAEL E. FOLEY
2661B	ELISA C. CARRANZA
2662B**	CARMEN JIMENEZ
2663B*/***	JOSE D. BARCENAS
2664B****	JUAN A. NOLAN
2665B	MARDIE M. MEEKS
2666B	MARY P. EUGENIO
2667B*	DUANE G. JOHNSON

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Retroactive

*** Applicant Present

**** Case Pulled By Staff for Further Development

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)

Non-Service Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Kelly, 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>
4351*	CONNIE LEUNG (DEC'D)
4352*	JESSICA M. CAJULIS

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
6916A – MARGHERITA UNDERHILL	Mr. Robbins made a motion, Mr. Chery seconded, to grant a non-service connected disability retirement. The motion passed unanimously.
6917A – RAMONA S. SALAS	Mr. Kelly made a motion, Mr. Pryor seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

* Granted NSCD - Retroactive

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6918A – SELWYN LEUNG

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

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

Mr. Chery made a substitute motion, Mr. Muir seconded, to hold this case until next month. After a brief discussion, Mr. Muir withdrew his motion.

The motion to deny a service connected disability retirement and find the applicant not permanently incapacitated passed (roll call) with Messrs. Pryor, Kelly, Okum, Robbins, and de la Garza voting yes; and Messrs. Adams, Chery, and Ms. Gray voting no.

6919A – JOSEPH N. FLEISCHMANN

Mr. Robbins made a motion, Mr. Pryor seconded, to grant service connected disability retirement pursuant to Government Code Section **31720**. The motion was based on the opinion of the Board's medical advisor, Vito Campese, M.D. The motion passed with Mr. de la Garza voting no.

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6920A – BRICE M. LIVOTI

Mr. Pryor made a motion, Mr. Adams seconded to grant a service connected disability retirement. The motion was based on the opinion of the Board's medical advisor, Vito Campese, M.D. The motion passed with Mr. de la Garza voting no.

6921A – ILDA AVASAPIAN

Ms. Gray 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.

6877A – SUNDAY ALEKHUOGIE*

Mr. Adams made a motion, Mr. Pryor seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed with Ms. Gray voting no.

4353 – C5107SDRSR

Mr. Pryor made a motion, Mr. Chery seconded, to grant a non-service connected disability retirement. The motion passed unanimously.

B. Referee Reports (Mr. Pryor left the meeting at 10:40 a.m.)

APPLICATION NO. & NAME

BOARD ACTION

WILLIE R. JACKSON – Thomas Wicke for the applicant
Jason E. Waller for the respondent

Mr. Kelly made a motion, Mr. Okum seconded, to deny a service connected disability. The motion passed unanimously.

* Applicant Present

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

ELSA A. NAVEIRA – Thomas Wicke for the applicant
Eugenia W. Der for the respondent

Mr. Adams made a motion, Ms. Gray seconded, to grant a retroactive 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 **David R. Diaz** permanently incapacitated for service-connected reasons and grant him a service-connected disability retirement. (Letter dated October 19, 2016)

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

2. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: Instruct staff to pay the invoice in excess of \$15,000 to Referee Irene Ayala. (Memo dated October 20, 2016)

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

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

3. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: Instruct staff to pay the invoice in excess of \$15,000 to Referee Kenneth A. Perea.
(Memo dated October 20, 2016)

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

4. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the 2016 Quarterly Reports of Paid Invoices for 3rd Quarter – July 1, 2016 to September 30, 2016. (Memo dated October 18, 2016)

This report was received and filed.

XIV. EXECUTIVE SESSION

- A. 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 Gayle Persons

The Board met in Executive Session pursuant to Government Code Section 54956.9 voted unanimously to grant the appeal of Gayle Persons.

- B. Conference with Legal Counsel - Anticipated Litigation
Initiation of Litigation (Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9)

1. Number of Potential Cases: 1

The Board met in Executive Session pursuant to Government Code Section 54956.9, and there is nothing to report.

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

1. Retirement Board Listing dated November 2, 2016
2. Recovery of Survivor Benefit Payments; Case of Jewell Jones (Privileged and Confidential Attorney-Client Communication) (Memo dated October 31, 2016)
3. Steven C. Owen – Death Certificate (Memo dated October 18, 2016)
4. Disability Retirement Evaluation Summary – C5107SDRSR (Memo dated November 1, 2016)
5. Katherine Harvey-Edwards v. LACERA, et al., etc. (Confidential Attorney-Client Communication) (Memo dated October 31, 2016)
6. Conflict of Interest Code (For Information Only) (Memo dated November 1, 2016)

XV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:30 a.m.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR