

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 4, 2017

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

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

John Popowich, Assistant Executive Officer

Steven P. 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

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. Chery.

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

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

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## II. ELECTION OF OFFICERS (Continued)

by Mr. Okum.

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

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 Mr. Kelly.

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

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

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

III. PLEDGE OF ALLEGIANCE

Mr. de la Garza 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 7, 2016

Mr. Chery made a motion, Mr. Okum seconded, to approve the minutes of the regular meetings of December 7, 2016. The motion passed with Chair Kehoe and Mr. Kelly abstaining.

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. Adams 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 December 19, 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 **Freddie D. Duggan**. (Memo dated December 21, 2016)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board review the 2017 meeting calendar and reschedule meeting dates as needed. (Memo dated December 22, 2016)

Mr. Rademacher addressed the Board noting education conferences that could potentially create a conflict with the Board of Retirement's current scheduled meetings.

After a brief discussion among staff and Board Members, the following changes were made to the Board's regularly scheduled meeting dates. The Board of Retirement's March Disability and Administrative Meetings were combined and scheduled to meet on Friday, March 3; the Board of Retirement's May Disability and Administrative Meetings were combined and scheduled to meet on Thursday, May 11; the Board of Retirement's June Disability Meeting was rescheduled to Thursday, June 1; the Board of Retirement's September Disability and Administrative Meetings were combined and scheduled to meet on Wednesday, September 6; and the Board of Retirement's November Disability and Administrative Meetings were combined and scheduled to meet on Thursday, November 9.

IX. FOR INFORMATION ONLY

- A. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated December 20, 2016)

X. REPORT ON STAFF ACTION ITEMS

The Board requested staff to survey the Board for Board Offsite presentation material delivery preferences.

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

Mr. Rademacher congratulated LACERA staff members, Graciela Mecado, Ramon Reyes, and Carol Nakamoto-Zitter, on their recent retirement.

The Board welcomed Mr. Alan Bernstein for another term on the Board of Retirement.

Mr. Rademacher shared that the First District Court of Appeal upheld the legality Of PEPPRA's elimination of airtime credit purchases in the Cal Fire Local 2881 vs. CalPERS case.

Furthermore, Mr. Rademacher briefed the Board on Assembly Bill 2376 that expands the voting rights of the alternate retired member effective January 1, 2017.

XII. 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:

<u>APPLICATION NO.</u>	<u>NAME</u>
572C	STEVEN P. WILKINSON
573C*	RICHARD D. MYERS, III

\* Granted SCD – Retroactive

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
574C*	PETER R. NICHOLAS
575C	LEONARD RIVAS
576C	DANIEL R. ZUMER
577C	MICHAEL L. BRYANT, JR.
578C	TROY C. ROYER
579C	MICHAEL A. PAYNE
580C**	MARIO F. ESTRADA
581C	JOSE L. PONCE, JR.
582C	ANTONIO E. REBUENO
583C	MICHAEL L. WINTER
584C	FRANK M. LEAL

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD – Retroactive

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR  
(Continued)

Safety-Fire, Lifeguard  
Service-Connected Disability Applications

On a motion by Mr. Pryor, 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>
1815A	BERNARD E. WESTON
1816A	TANEN ANDERSON
1817A	GREG S. CROSSEN
1818A	JON R. ROBINSON
1819A	BRIAN K. HINSLEY

General Members  
Service-Connected Disability Applications

On a motion by Mr. Chery, 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>
2684B*	HOLLY D. GULLEY

\* Granted SCD – Employer Cannot Accommodate



XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2685B*	CARMEN M. AGUIRRE
2686B*	TINA M. MAYS
2687B*	ROGER K. ROBINSON
2688B**	ANTHONY D. SERENA

General Members

Non-Service Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Bravo, 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>
4354	CARMEN M. MARTINEZ
4355	KASIE F. BOONE

\* Granted SCD – Retroactive

\*\* Granted SCD – Employer Cannot Accommodate

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6928A – GLORIA J. YOUNG

Mr. de la Garza made a motion, Mr. Adams seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31726(b)(2) and 31724. The motion passed unanimously.

6929A – JENNIFER T. WEBB

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

Chair Kehoe made a substitute motion, Mr. Muir seconded, to return to staff for additional information. The motion passed with Messrs. Kelly, de la Garza, Okum, and Chery voting no.

6930A – CHARITY D. HOWARD

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

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

6931A- SHEILA L. SMITH

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

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. &amp; NAME</u>	<u>BOARD ACTION</u>
6932A – BEVERLY JACOBS	Mr. de la Garza made a motion, Mr. Okum seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.
6899A – ROBERT E. JONES(DEC'D)*	Mr. Muir made a motion, Mr. Adams seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Adams, Bravo, Okum, Chery, Ms. Gray and Chair Kehoe voting yes; and Messrs. Kelly, Bernstein, and de la Garza voting no.
6927A – JUDITH B. CITRON	Chair Kehoe made a motion, Mr. Adams seconded, to grant a service connected disability retirement with retroactive benefits. The motion passed with Messrs. Kelly, de la Garza, and Okum voting no.

B. Referee Reports

<u>APPLICATION NO. &amp; NAME</u>	<u>BOARD ACTION</u>
NAZENE N. GREEN – Marvin I. Schlackman for the applicant Eugenia Der for the respondent	Mr. Adams made a motion, Mr. Chery seconded, to grant a non-service connected disability retirement. The motion passed unanimously.

\* Applicant Spouse Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

WAYNE A. ENCINAS – Michael Treger for the applicant  
Allison E. Barrett for the respondent

Mr. Chery made a motion, Chair Kehoe seconded, to grant a service connected disability retirement with an option for an earlier effective date. The motion passed unanimously.

XIII. ADJOURNMENT

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

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WILLIAM DE LA GARZA, SECRETARY

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SHAWN R. KEHOE, CHAIR