

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, APRIL 5, 2017

PRESENT: Shawn R. Kehoe, Chair  
Vivian H. Gray, Vice Chair  
Marvin Adams  
Alan Bernstein  
Anthony Bravo  
Yves Chery  
Keith Knox (Chief Deputy to Joseph Kelly)  
David L. Muir (Alternate Retired)  
William Pryor (Alternate Member)

ABSENT: William de la Garza, Secretary  
Joseph Kelly  
Ronald A. Okum

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

Chris Waddell, Olsen Hagel & Fishburn LLP

Veronica Jones, Applicant's Spouse

I. CALL TO ORDER

The meeting was called to order by Chair Kehoe at 9:01 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Special Meeting of March 3, 2017

Mr. Chery made a motion, Mr. Adams seconded, to approve the minutes of the special meeting of March 3, 2017. The motion passed with Chair Kehoe abstaining.

IV. REPORT ON CLOSED SESSION ITEMS

No items were reported.

V. PUBLIC COMMENT

Veronica Jones addressed the Board regarding her husband's, Robert E. Jones, disability benefit application.

VI. CONSENT AGENDA

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

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Ratification of Reciprocal Disability Retirements. (Memo dated March 23, 2017) (Legal Supplemental Memo dated March 28, 2017)
- 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 **Max D. Hartwell**. (Memo dated March 23, 2017)
- 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 **Ramona Salas**. (Memo dated March 23, 2017)

VII. NON - CONSENT AGENDA

- A. Presentation by Chris Waddell from Olsen Hagel & Fishburn LLP regarding recent vested rights case law. (Memo dated March 27, 2017)

Mr. Waddell provided a presentation to the Board and answered questions.

VIII. 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 March 23, 2017)

This item was received and filed.

IX. REPORT ON STAFF ACTION ITEMS

There was nothing to report on for staff action items.

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

Mr. Rademacher announced that the Board of Supervisors approved the LACERA election procedures for the upcoming 2018-2020 term for the General and Retired members. The County teamed up with LACERA's Communication Division to create a postcard that will be mailed to all LACERA retirees.

Furthermore, Mr. Rademacher recognized and congratulated LACERA staff members, Renee Henry and Michael G. Nabadrik, on their recent retirement.

Lastly, Mr. Rademacher shared his experience in attending the NASP Conference.

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement  
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:

APPLICATION NO.

NAME

610C\*

CECILIA M. BARRAGAN

\* Granted SCD – Employer Cannot Accommodate

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
611C*	DOUGLAS J. ORT
612C	RANDY D. DICKERSON
613C	STEVEN M. MILLS
614C	ANTHONY NAVARRO
615C	BORIS I. NIKOLOF
616C*	KIM L. WHITLOW
617C*	DAVID J. THOMPSON
618C*	MICHAEL A. PONCE DE LEON
619C**	GEORGE B. MAGALLANES
620C	DANIEL R. JORDAN
621C	KEVIN C. HANNIGAN (DEC'D)
622C*	BRYAN S. PROCTOR
623C	JOHN A. RUSH

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD – Retroactive

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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>
1845A	SCOTT Q. MAHAN
1846A	JOHN R. COX
1847A	SCOTT M. FRANCIS
1848A	LARRY R. JORDAN
1849A*	GREGORY B. WHITE
1850A	ANTHONY J. VLACH
1851A	FRED C. WEISS
1852A	BRIAN E. PEPPER
1853A	PAUL L. OYLER
1854A	JOHN H. MARK
1855A	THOMAS D. BRADY
1856A	STEPHEN P. KELLER

\* Granted SCD – Retroactive

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1857A	TIM K. PODCZERVIENSKY
1858A	ROBERT K. WHITMAN

General Members  
Service-Connected Disability Applications

On a motion by Mr. Chery, seconded by Mr. Muir, 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>
2701B	WILLIAM M. KIMBLE
2703B*	ALI TAVANA
2704B	JOHN C. PARSONS
2705B	YENE L. MEJIA-MARTINEZ
2706B**	PARMINDER K. RYATT
2707B**	SABRIN A. PATINO
2708B***	LA TANYA WILSON

\* Granted SCD Retroactive – Employer Cannot Accommodate

\*\* Granted SCD – Retroactive

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

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2709B	CRUZ COVARRUBIAS
2710B*	KELLEY W. JACKSON
2711B**	LORRAINE M. JOHNSON

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

<u>APPLICATION NO. &amp; NAME</u>	<u>BOARD ACTION</u>
2702B – MARIA LINDA FAZIO	Mr. Chery made a motion, Mr. Adams seconded, to grant a service connected disability retirement pursuant to Government Code Sections 31720 and 31724 since the employer cannot accommodate. The motion passed unanimously.
6942A – BELISHIA E. MCGOWAN	This case was pulled from the agenda by the request of staff.
6899A – ROBERT E. JONES (Deceased)***	Ms. Gray made a motion, Mr. Chery seconded, to grant a service connected disability retirement. The motion passed (roll call) with Messrs. Chery, Muir, Bravo, Adams, Bernstein, Chair Kehoe, and Ms. Gray voting yes; and Mr. Knox voting no.

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD Retroactive – Employer Cannot Accommodate

\*\*\* Applicant’s Spouse Present



XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6929A – JENNIFER T. WEBB

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

6588A – KAI J. PARKER

Mr. Muir made a motion, Mr. Bravo seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated since the employer can accommodate. The motion passed unanimously.

6908A – ROBERTO A. GOODEN

Mr. Muir made a motion, Mr. Adams seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated since the employer can accommodate. The motion passed unanimously.

6815A – N4102DRAC

Mr. Pryor made a motion, Chair Kehoe seconded, to deny a service connected disability retirement since the employer can accommodate. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

PATRICK L. GOMEZ – Michael Treger for the applicant  
Allison E. Barrett for the respondent

Chair Kehoe made a motion, Mr. Chery seconded, to grant a service connected

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

disability retirement. The motion passed unanimously.

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

1. Retirement Board Listing dated April 5, 2017
2. LACERA Staying Healthy Together Spring Workshop Flyer
3. Disability Retirement Evaluation Summary – Correction Memo: Maria Linda Fazio (Memo dated March 23, 2017)

XIII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:44 a.m.

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WILLIAM DE LA GARZA, SECRETARY

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SHAWN R. KEHOE, CHAIR