

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 7, 2018

PRESENT: Vivian H. Gray, Chair
Herman Santos, Vice Chair
Marvin Adams, Secretary
Alan Bernstein (Left the Board meeting at 11:24 a.m.)
JP Harris (Alternate Retired)
Shawn R. Kehoe
Joseph Kelly
William Pryor (Alternate Safety)(Left the Board meeting at 11:00 a.m.)
Les Robbins
Thomas Walsh
Gina Zapanta-Murphy

STAFF ADVISORS AND PARTICIPANTS

James Brekk, Interim Deputy Chief Executive Officer
John Popowich, Assistant Executive Officer
Steven P. Rice, Chief Counsel
Francis J. Boyd, Senior Staff Counsel
Ricki Contreras, Division Manager
Disability Retirement Services

STAFF ADVISORS AND PARTICIPANTS

Vanessa Gonzalez, Interim Division Manager

Barry Lew, Legislative Affairs Officer

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Jason E. Waller, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Johanna Fontenot, Senior Staff Counsel

Thomas J. Wicke, Attorney at Law

I. CALL TO ORDER

The meeting was called to order by Ms. Gray at 10:07 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was conducted at the joint Board meeting prior to this meeting.

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of October 11, 2018

Mr. Santos made a motion, Mr. Adams seconded, to approve the minutes of the regular meeting of October 11, 2018. The motion passed unanimously.

IV. OTHER COMMUNICATIONS

A. For Information

1. September 2018 All Stars

Mr. Popowich announced the eight winners for the month of September: Laura Fuentes, Maggie Luong, Debra Rendon, Leilani Ignacio, Letha Williams-Martin, Huda Nassar, Renee Copeland, and Ricardo Salinas for the Employee Recognition Program. Julieta Bryan, Ching Fong, Seema Parween, and Allen Molina were the winners of LACERA's RideShare Program.

2. Interim Chief Executive Officer's Report (Memo dated October 29, 2018)

Mr. Brekk shared that the restroom renovation on the 8th floor has been completed.

In addition, Mr. Brekk also reminded the Board that the BOR Board Offsite is scheduled to take place at the Hyatt Long Beach on January 22 and 23, 2019. The first day of the meeting will focus on general Board of Retirement matters, and the second day will be dedicated to our Retiree Healthcare Program. All Board members are encouraged to attend both days as their calendars permit.

The audited financial statements for FY 17-18 have been completed by Plante Moran. Plante Moran will be present at the next Audit Committee meeting scheduled for Wednesday, December 12th. Furthermore, Milliman will provide an actuarial report and educational session to the Board of Investments at its December meeting.

Lastly, Mr. Brekk thanked and acknowledged staff in receiving the Public Pension Coordinating Council's Public Pension Standards Award. This marks the sixteenth

IV. OTHER COMMUNICATIONS

A. For Information

2. Interim Chief Executive Officer's Report

consecutive award for LACERA. In addition, he recognized and thanked the Brown Bag team for their role and participation in the program.

V. PUBLIC COMMENT

There were no requests from the public to speak.

VI. CONSENT ITEMS

Mr. Robbins made a motion, Mr. Kehoe seconded, to approve the following items. The motion passed unanimously.

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Recommendation as submitted by Francis J. Boyd, Senior Staff Counsel: That the Board terminate the contract of panel physician Hormoz Zahiri, M.D. (Memo dated October 23, 2018)
- C. Recommendation as submitted by Vanessa Gonzalez, Benefits Division, Interim Division Manager: That the Board 1) Determine, based upon medical evaluation conducted September 12, 2017, that Alejandro E. Estella is not incapacitated for the duties assigned to him in the position of Children's Social Worker III, and 2) Grant the application of Alejandro E. Estella for reinstatement to active membership. (Memo dated October 23, 2018)

VII. NON-CONSENT ITEMS

- A. Recommendation as submitted by the Les Robbins, Chair, Insurance, Benefits, and Legislative Committee: That the Board direct its voting delegate to support SACRS sponsorship of "Compensation of Board Members" as proposed by the Orange County Employees' Retirement System for the 2019 legislative platform of the State Association of County Retirement Systems. (Memo dated October 11, 2018)

VII. NON-CONSENT ITEMS (Continued)

(Supplemental Agenda Information – Memo dated October 23, 2018)

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

This item was received and filed.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Santos, 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>
910C*	CHRISTIAN J. MAYHEW
911C	JOHN A. BARNETT
912C**	GILBERT V. CALDERON (DEC'D)
913C	MICHAEL J. SPINA
914C*	CECI I. BARAJAS
915C***	MARK G. RICHARDS
916C	JOSEPH M. RAMIREZ
917C	VONDA L. ANDERSON

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Survivor Benefit

*** Granted SCD - Retroactive

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
918C*	MICHAEL L. HAAK (DEC'D)
919C	SCOTT E. HUTTER
920C**	KENNETH E. MORT
921C	JAMES M. SPEED (DEC'D)
922C	KEVIN C. LLOYD
923C	JOHN L. CALICCHIO
924C	JESUS M. ORTIZ
925C**	TARYTON JOHNSON

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Santos, seconded by Mr. Adams, 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>
1036B	VICTOR M. LOPEZ
1037B	ANDREW S. GOSSER

* Granted SCD – Survivor Benefit

**Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1038B	RUSSELL C. BLACKSCHLEGER
1039B	RICHARD M. PAUWELS
1040B	JAMES E. BLACKBURN
1041B*	FRANK VIDALES
1042B*	RAMON D. RODRIGUEZ
1043B*	MICHAEL P. DIVAN
1044B	GREGG G. HALL
1045B	DAVID M. GARCIA
1046B	ROBERT E. HASKELL

General Members
Service-Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Robbins, 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>
2894B**	LIZBERTH J. MEDINA

* Granted SCD – Employer Cannot Accommodate
** Granted SCD – Salary Supplemental

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2895B*	GLORIA RAMIREZ
2896B*	REBERTHA SPIRES
2897B**	PATRICIA A. CRUSE
2898B**	GINA M. GUTIERREZ
2899B***	JACQUELINE D. BRUNSTON
2900B	MARY RYAN
2901B****	YOLANDA Y. WHITTINGTON
2902B***	LORAIN M. JONES
2903B*	MATTHEW J. DEFEO
2904B*	SHANAE M. YOUNG
2905B*	SHEILA K. ROBINSON
2906B	DANYA L. HAZEN

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Salary Supplemental

*** Granted SCD – Retroactive Employer Cannot Accommodate

**** Granted SCD – Retroactive

IX. REPORTS

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated October 22, 2018)

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

This Item was received and filed.

- B. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the October 2018 Fiduciary Counsel Contact and Billing Report. (Memo dated November 1, 2018) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)

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

This Item was received and filed.

X. ITEMS FOR STAFF REVIEW

There was nothing to report.

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

Mr. Boyd shared the passing of applicant attorney, Steven Pingel.

In addition, Ms. Contreras recognized and thanked Debbie Semnanian, Specialist Supervisor in the Disability Retirement Services Division, who will be retiring at the end of the month.

Lastly, Mr. Brekk shared that LACERA will be hosting OCERS onsite at the end of the month to share LACERA's best practices and operations.

(Mr. Pryor left the Board meeting at 11:00 a.m.)

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5038B – TRINH B. BUI

Mr. Santos made a motion, Mr. Walsh seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.

5039B – GLORIA A. DEAN

Mr. Kehoe made a motion, Ms. Gray seconded to grant a service-connected disability retirement. The motion passed with Mr. Kelly voting no.

5040B – JONAS J. SHIPE

Mr. Kelly made a motion, Mr. Robbins seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

5041B – STEVE MENDOZA

Mr. Kelly made a motion, Mr. Bernstein seconded, to deny a service-connected disability retirement.

Mr. Kehoe made a substitute motion, Mr. Robbins seconded, to grant a service-connected disability retirement based on the medical opinion by LACERA's medical advisor. The motion passed unanimously.

5042B – MARIBETH V. ABELLA

Mr. Kehoe made a motion, Mr. Kelly seconded, to deny a nonservice-connected disability retirement without prejudice. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5043B – ARLENE S. ZENDEL

Mr. Harris made a motion, Mr. Walsh seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.

5044B – RUCHIKA BHARADWAJ

Mr. Kelly made a motion, Mr. Pryor seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31725.5 without prejudice. The motion passed unanimously.

5045B – ANA J. COLON

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

5046B – JONATHAN GELLER (DEC'D)* (This Item was held out of order prior to case no. 5038B.)

Ms. Gray made a motion, Mr. Santos seconded, to grant a service-connected disability retirement survivor benefit based on the medical opinion by LACERA's medical advisor. The motion passed unanimously.

2543B – GLORIA HODGERS-CORTEZ

Mr. Santos made a motion, Mr. Adams seconded, to continue the service-connected disability retirement benefits. The motion passed unanimously.

* Applicant's Spouse – Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

2883B – TAMMIE S. MCDONALD

Mr. Santos made a motion, Mr. Adams seconded, to grant a service-connected disability pursuant to Government Code Sections 31720 and 31725.65. The motion passed unanimously.

5034B – DARRICK D. WOOLEVER

(This Item was held following case no. 5046B.)

Mr. Pryor made a motion, Ms. Gray seconded, to grant a service-connected disability retirement.

Mr. Bernstein made a substitute motion, Mr. Kelly seconded, to refer back to staff for further development. The motion passed (roll call) with Messrs. Adams, Bernstein, Kehoe, Kelly, Robbins, Santos, Walsh, and Mrs. Zapanta-Murphy voting yes; and Ms. Gray voting no.

6587A – BRENDA KHALIDAH FARR

Mr. Robbins made a motion, Mr. Walsh seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

860C – ALLAN G. SMITH

Mr. Kehoe made a motion, Mr. Santos seconded, to grant a service-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

MARLETTE RANKIN – Thomas J. Wicke for the applicant
Jason E. Waller for the respondent

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

(Mr. Bernstein left the Board meeting at 11:24 a.m.)

(Mr. Robbins left the Boardroom at 11:25 a.m.)

C. Staff Recommendations

1. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel: That the Board find that the delay in filing Jessica D. Reed's application was due to her inability to ascertain the permanency of her incapacity and that she be granted the option of choosing a Disability Retirement Effective Date earlier than her date of application in accordance with Government Code Section 31724.
(Memo dated October 18, 2018)

Mr. Kelly made a motion, Mr. Harris seconded, to approve the agenda item. The motion passed unanimously by all Board members present.

2. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find that the delay in filing Olivia Shelmon's application was due to her inability to ascertain the permanency of her incapacity, and that she be granted the option of an earlier effective date.
(Memo dated October 24, 2018)

Mr. Kehoe made a motion, Mr. Walsh seconded, to approve the agenda item.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

The motion passed unanimously by all Board members present.

3. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services Division: That the Board approve the service provider invoice for Israel Gorinstein, M.D., Inc. (Memo dated October 23, 2018)

Mr. Kehoe made a motion, Mr. Harris seconded, to approve the agenda item. The motion passed unanimously by all Board members present.

4. For Information Only as submitted by Ricki Contreras, Manager, Disability Retirement Services Division regarding the 2018 Quarterly Reports of Paid Invoices. (Memo dated October 23, 2018)

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

This Item was received and filed.

XIII. EXECUTIVE SESSION

(Mr. Robbins returned to the Boardroom at 11:27 a.m.)

- 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. Markos Mirzoian/Viktoria Igoumnova

The Board met in Executive Session with counsel, pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9. The Board unanimously by all members present voted, on a motion made by Mr. Santos, seconded by Mr. Harris, to nullify the July 14, 2016 rescission of member Markos Mirzoian's

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XIII. EXECUTIVE SESSION (Continued)

application for retirement, (2) retire Mr. Mirzoian effective as of July 22, 2016 pursuant to his retirement application, and (3) recognize the entitlement of Mr. Mirzoian's widow, Viktoria Igoumnova, to back retirement benefits and survivor benefits.

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

1. Sandra J. Claggett v. County of Los Angeles, et al. etc.
LASC Case No. BC681877
For Information Only

The Board met in Executive Session with counsel, pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9. There was nothing to report.

XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:38 a.m.

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

1. Retirement Board Listing dated November 7, 2018

MARVIN ADAMS, SECRETARY

VIVIAN H. GRAY, CHAIR