

AGENDA

A 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., THURSDAY, AUGUST 15, 2019

*The Board may take action on any item on the agenda,
and agenda items may be taken out of order.*

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES
 - A. Approval of the Minutes of the Regular Meeting of July 3, 2019
- IV. PUBLIC COMMENT
- V. CONSENT ITEMS
 - A. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeals and request for an administrative hearing for applicant Deloid Foots.
(Memo dated July 30, 2019)
 - B. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal of Pauline Young for a service-connected disability retirement.
(Memo dated August 1, 2019)
- VI. EXCLUDED CONSENT ITEMS
- VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

VIII. REPORTS

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated July 31, 2019)

IX. ITEMS FOR STAFF REVIEW

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

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

- A. Applications for Disability

- B. Disability Retirement Appeals

- C. Staff Recommendations

1. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find 1) That Ellen Mitchell delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity until after her last day of regular compensation; 2) That her application be deemed filed on the day after her last day of regular compensation in accordance with Government Code Section 31724; and 3) That she is entitled to the option of an earlier effective date. (Letter dated July 16, 2019)
2. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find 1) That Sabah Zuwaylif delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity until after her last day of regular compensation; 2) That her application be deemed filed on the day after her last day of regular compensation in accordance with Government Code Section 31724; and 3) That she is entitled to the option of an earlier effective date. (Letter dated July 19, 2019)

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

3. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find 1) That Shermaine Y. Davis delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity; 2) That her application be deemed filed on the day after her last day of regular compensation in accordance with Government Code Section 31724; and 3) That she is entitled to the option of an earlier effective date.
(Letter dated July 19, 2019)
4. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel: That the Board find 1) That Janet D. Homan delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity; 2) That her application be deemed filed on the day after her last day of regular compensation in accordance with Government Code Section 31724; and 3) That she is entitled to the option of an earlier effective date. (Letter dated June 21, 2019)
5. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoice for Winet Patrick Gayer Creighton & Hanes. (Memo dated July 25, 2019)
6. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for Israel Gorinstein, M.D.
(Memo dated August 5, 2019)
7. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services Division, regarding the 2019 Quarterly Reports of Paid Invoices for the 2nd Quarter.
(Memo dated July 26, 2019)

XII. EXECUTIVE SESSION

A. Conference with Legal Counsel – Existing Litigation
Paragraph (1) of Subdivision (d) of Section 54956.9

1. Attorney Fees for Winifred O. McCloud

August 15, 2019

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XIII. ADJOURNMENT

Documents subject to public disclosure that relate to an agenda item for an open session of the Board of Retirement that are distributed to members of the Board of Retirement less than 72 hours prior to the meeting will be available for public inspection at the time they are distributed to a majority of the Board of Retirement Members at LACERA's offices at 300 N. Lake Avenue, Suite 820, Pasadena, CA 91101, during normal business hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.

Persons requiring an alternative format of this agenda pursuant to Section 202 of the Americans with Disabilities Act of 1990 may request one by calling the Board Offices at (626) 564-6000, Ext. 4401/4402 from 8:30 a.m. to 5:00 p.m. Monday through Friday, but no later than 48 hours prior to the time the meeting is to commence. Assistive Listening Devices are available upon request. American Sign Language (ASL) Interpreters are available with at least three (3) business days notice before the meeting date.

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 3, 2019

PRESENT: Alan Bernstein, Chair
Gina Zapanta-Murphy, Secretary
Vivian H. Gray (Arrived at 9:11 a.m.)
JP Harris (Alternate Retired)
Keith Knox (Chief Deputy to Joseph Kelly)
William Pryor (Alternate Safety)
Les Robbins, Vice Chair
Herman Santos
Thomas Walsh

ABSENT: Joseph Kelly
Shawn R. Kehoe
Ronald Okum

STAFF ADVISORS AND PARTICIPANTS

Steven P. Rice, Chief Counsel
John Popowich, Assistant Executive Officer
Dr. Vito Campese, Medical Advisor
Ricki Contreras, Division Manager
Disability Retirement Services

STAFF ADVISORS AND PARTICIPANTS (Continued)

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Fern M. Billingsy, Senior Staff Counsel

Francis J. Boyd, Senior Staff Counsel

Allison E. Barrett, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Caroline Taylor, Member

I. CALL TO ORDER

The meeting was called to order by Mr. Bernstein at 9:00 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Santos 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 5, 2019

Mr. Santos made a motion, Mr. Walsh seconded, to approve the minutes of the regular meeting of June 5, 2019. The motion passed unanimously by all members present.

IV. PUBLIC COMMENT

There were no requests from the public to speak.

V. CONSENT ITEMS

Mr. Pryor made a motion, Mr. Robbins seconded, to approve the following items. The motion passed unanimously by all members present.

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals. (Memo dated June 24, 2019)

Mr. Rice shared the retirement of Kathy Webb from the Benefits Division and thanked her for her service.

- B. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeals and request for an administrative hearing for applicants, George K. Hernandez, Monique C. Pierson, Richard Vasquez, Armando R. Cobos, Robert J. Renko, and Amelia C. Casado. (Memo dated June 19, 2019)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the correction appeal of Princess A. Burks for an earlier effective date. (Memo dated June 17, 2019)
- D. Recommendation as submitted by Fern M. Billings, Senior Staff Counsel: That the Board 1) Adopt Resolutions, No. 2019-BR007 and No. 2019-BR008, specifying pay items as “compensation earnable” and “pensionable compensation;” and 2) Instruct staff to coordinate with the County of Los Angeles to establish necessary reporting mechanism and procedures to permit LACERA to include the qualifying items in the calculation of final compensation. (Memo dated June 19, 2019)
- E. Recommendation as submitted by JP Harris, Chair, Disability Procedures & Services Committee: That the Board adopt the proposed Policy for Processing Disability-Retirement Applications Where a Member Has Been Terminated for Cause. (Memo dated June 20, 2019)

VI. EXCLUDED CONSENT ITEMS

There were no items discussed.

VII. NON-CONSENT ITEMS

A. Recommendation as submitted by Steven P. Rice, Chief Counsel and Francis J. Boyd, Senior Staff Counsel: That the Board approve the following:

- 1) Beginning August 2019, the Board of Retirement permanently move its Administrative meeting from the second Thursday of the month to the first Wednesday of the month.
- 2) Beginning August 2019, the Board of Retirement permanently move its Disability meeting from the first Wednesday of the month to the second Thursday of the month.
- 3) Beginning August 2019, the Board of Retirement permanently move its Operations Oversight Committee meeting to the first Wednesday of the month, following the Board's Administrative meeting.
- 4) Beginning August 2019, the Board of Retirement permanently move its Disability Procedures and Services Committee meeting to the second Thursday of the month, following the Board's Disability meeting.

(Memo dated June 23, 2019)

Mr. Rice and Mr. Boyd were present to answer questions from the Board.

Mr. Bernstein made a motion, Mr. Harris seconded, to approve staff's recommendation. The motion passed unanimously by all members present.

B. Recommendation as submitted by Steven P. Rice, Chief Counsel: That the Board authorize the Chief Counsel to enter into a contract for executive search services for the CEO search, provided that the search firm and key contract terms, including the fee, are disclosed to the Boards at the next meeting following execution of the contract. (Memo dated June 25, 2019)

Mr. Robbins made a motion, Mr. Pryor seconded, to approve staff's recommendation. The motion passed unanimously by all members present.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

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>
50D	JUSTIN S. WALTER
51D	JOHN Y. EK
52D	FRANK K. QUICHOCHO
53D*	DAVID A. FARIA
54D	KEVIN A. GORAN
55D	CARLOS FUENTES
56D	DANIEL B. WHITE
57D	DEBERAH A. LIGHTEL
58D	ALFRED A. GUERRERO, II
59D*	DANIEL A. NATHAN
60D	CHARLES A. FRIEDLAND
61D	SABRINA M. KIMURA
62D*	CHARLES K. BRADEN

* Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
63D*	JEFFREY D. ENFIELD
64D**	JEFFREY ARYAN (DECEASED)
65D***	DONDRA D. CULLINS
66D	JOSEPH C. MONARREZ, JR.
67D	GARY T. PENDER

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Bernstein, 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>
1134B	BERNARDO DIAZ, JR.
1135B	ROLAND D. OWENS
1136B	MICHAEL M. WILL
1137B	JOHN S. HAUGH

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Survivor Benefit

*** Granted SCD – Retroactive

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1138B	JOE V. ADLHOCH
1139B	GUY D. MELKER
1140B	EDGAR L. DAVIS

General Members
Service-Connected Disability Applications

On a motion by Mr. Santos, 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>
2967B*	MAURICE J. ZABARY
2968B**	DAT V. BACH (DECEASED)
2969B	VICTORIA ARELLANES
2970B	KAROLYN H. SON
2971B***/***	YVETTE DOCKTER-GARCIA
2972B	ROBERT E. DICK, II

*Granted SCD – Retroactive

**Granted SCD – Survivor Benefit

***Granted SCD – Retroactive - Employer Cannot Accommodate

****Applicant Present

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2973B	KENNETH CLARK, II
2974B*	LATIESHA M. MUSCHAMP
2975B*	JEFFREY R. LANGLEY
2976B**	DELONEUS A. WATTS
2977B*	CALEB MALLARD
2978B	DENISE R. JONES

General Members
Nonservice-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Santos, the Board of Retirement approved a nonservice-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>
4385***	JUAN M. MENDOZA

* Granted SCD Retroactive – Employer Cannot Accommodate

** Granted SCD – Retroactive

***Granted NSCD - 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 June 17, 2019)

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)

The Board wished everyone a happy and safe 4th of July.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

- A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5078B – SYLVIA R. CALZADA

Mr. Pryor made a motion, Mr. Bernstein seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated since the employer can accommodate. The motion passed unanimously by all Board members present.

5079B – MARIKIT P. REYES

Mr. Pryor made a motion, Mr. Robbins seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously by all Board members present.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5081B – KAMILIA SALAMA

Mr. Santos made a motion, Mr. Pryor seconded, to deny a nonservice connected disability retirement without prejudice. The motion passed unanimously by all Board members present.

(Ms. Gray arrived at 9:11 a.m.)

5082B – CHERYL A. AJIROGI

Mr. Santos made a motion, Mr. Robbins seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 since the employer cannot accommodate. The motion passed unanimously by all Board members present.

2564B – EDNA EVAZYAN

Mr. Pryor made a motion, Mr. Robbins seconded, to grant a service connected disability retirement to continue pursuant to Government Code Section 31720. The motion passed unanimously by all Board members present.

5034B – DARRICK D. WOOLEVER

Mr. Pryor made a motion, Ms. Gray seconded, to grant a service connected disability retirement based on information provided by LACERA's medical advisor. The motion passed with Mrs. Zapanta-Murphy voting no.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

CAROLINE R. TAYLOR – In Pro Per

Eugenia W. Der for the respondent

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

Ms. Gray made a substitute motion, Mr. Santos seconded, to return to staff for additional information. The motion passed (roll call) unanimously with Messrs. Pryor, Knox, Robbins, Santos, Walsh, Bernstein, Mrs. Zapanta-Murphy, and Ms. Gray voting yes.

C. Staff Recommendations

1. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find 1) That Alexander Carmichael delayed filing his application for disability retirement because he was unable to ascertain the permanency of his incapacity until after his last day of regular compensation; 2) That his application be deemed filed on the day after his last day of regular compensation in accordance with Government Code Section 31724; and 3) That he is entitled to the option of an earlier effective date. (Letter dated June 10, 2019)

Mr. Bernstein made a motion, Mr. Robbins seconded, to approve staff's recommendation. The motion passed unanimously by all Board members present.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

2. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find 1) That Lorraine Pappilli delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity until after her last day of regular compensation; 2) That her application be deemed filed on the day after her last day of regular compensation in accordance with Government Code Section 31724; and 3) That she is entitled to the option of an earlier effective date. (Letter dated June 7, 2019)

Mr. Robbins made a motion, Mr. Pryor seconded, to approve staff's recommendation. The motion passed unanimously by all Board members present.

3. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board find Michael A. Goldfeder not incapacitated under Government Code Section 31730, and as determined by the Board's medical expert, able to perform the usual duties of a Constitutional Policing Advisor, and cancel his disability retirement. (Memo dated June 18, 2019)

Mr. Pryor made a motion, Mr. Robbins seconded, to approve staff's recommendation. The motion passed unanimously by all Board members present.

4. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoices for Lawrence H. Warick, M.D., Ph.D. (Memo dated June 18, 2019)

Mr. Santos made a motion, Mr. Walsh seconded, to approve staff's recommendation. The motion passed unanimously by all Board members present.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

5. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services: That the Board approve the service provider invoices for Stuart Fischer, M.D. (Memo dated June 17, 2019)

Mr. Knox made a motion, Ms. Gray seconded, to approve staff's recommendation. The motion passed unanimously by all Board members present.

6. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoices for Winet Patrick Gayer Creighton & Hanes. (Memo dated June 18, 2019)

Mr. Knox made a motion, Ms. Gray seconded, to approve staff's recommendation. The motion passed unanimously with all Board members present.

XIII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:00 a.m.

GINA ZAPANTA-MURPHY, SECRETARY

ALAN BERNSTEIN, CHAIR



July 30, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services

SUBJECT: **APPEAL FOR THE BOARD OF RETIREMENT'S MEETING
OF AUGUST 15, 2019**

IT IS RECOMMENDED that the Board of Retirement grant the appeal and request for administrative hearing received from the following applicant, and direct the Disability Retirement Services Manager to refer the case to a referee:

5071B Deloid Foots

In Pro Per

Deny SCD - Grant NSCD With
Option of Earlier Effective Date

RC:kw

Memo. New Appeals.docx



August 1, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Manager 
Disability Retirement Services Division

FOR: August 15, 2019 Board of Retirement Meeting

SUBJECT: DISMISS WITH PREJUDICE THE APPEAL OF PAULINE YOUNG

Ms. Pauline Young applied for a service-connected disability retirement on November 9, 2017. On October 11, 2018, the Board denied Ms. Young's application for service-connected disability retirement.

Ms. Young filed a timely appeal. On July 18, 2019, Ms. Young signed a voluntary withdrawal letter advising LACERA that she did not wish to proceed with her appeal.

IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:

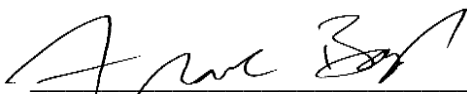
Dismiss with prejudice Pauline Young's appeal for a service-connected disability retirement.

FJB: RC: mb

Young, Pauline. docx

Attachment

NOTED AND REVIEWED:



Francis J. Boyd, Sr. Staff Counsel

Date: 8/2/19




Documents not attached are exempt from disclosure under the California Public Records Act and other legal authority.

**For further information, contact:
LACERA
Attention: Public Records Act Requests
300 N. Lake Ave., Suite 620
Pasadena, CA 91101**

July 31, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager 
Disability Retirement Services

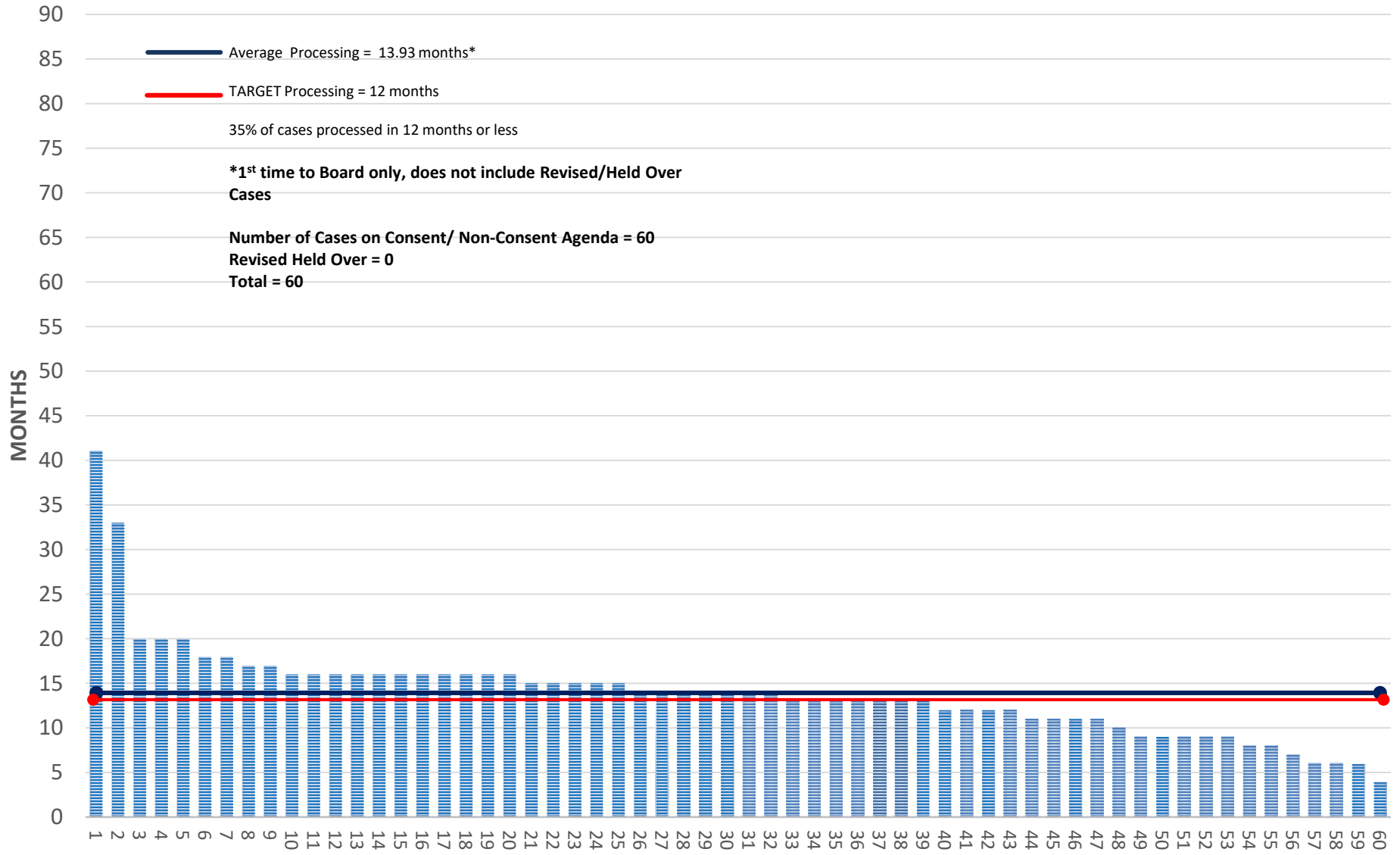
FOR: August 15, 2019 Board of Retirement Meeting

SUBJECT: **Application Processing Time Snapshot Reports**

The following chart shows the total processing time from receipt of the application to the first Board action for all cases on the August 15, 2019 Disability Retirement Applications Agenda.

Consent & Non-Consent Calendar	
Number of Applications	60
Average Processing Time (in Months)	13.93
Revised/Held Over Calendar	
Number of Applications	0
Processing Time Per Case (in Months)	0
Total Average Processing Time Revised/Held Over Calendar	0.00
Total Average Processing Time All 60 Cases on Agenda	13.93

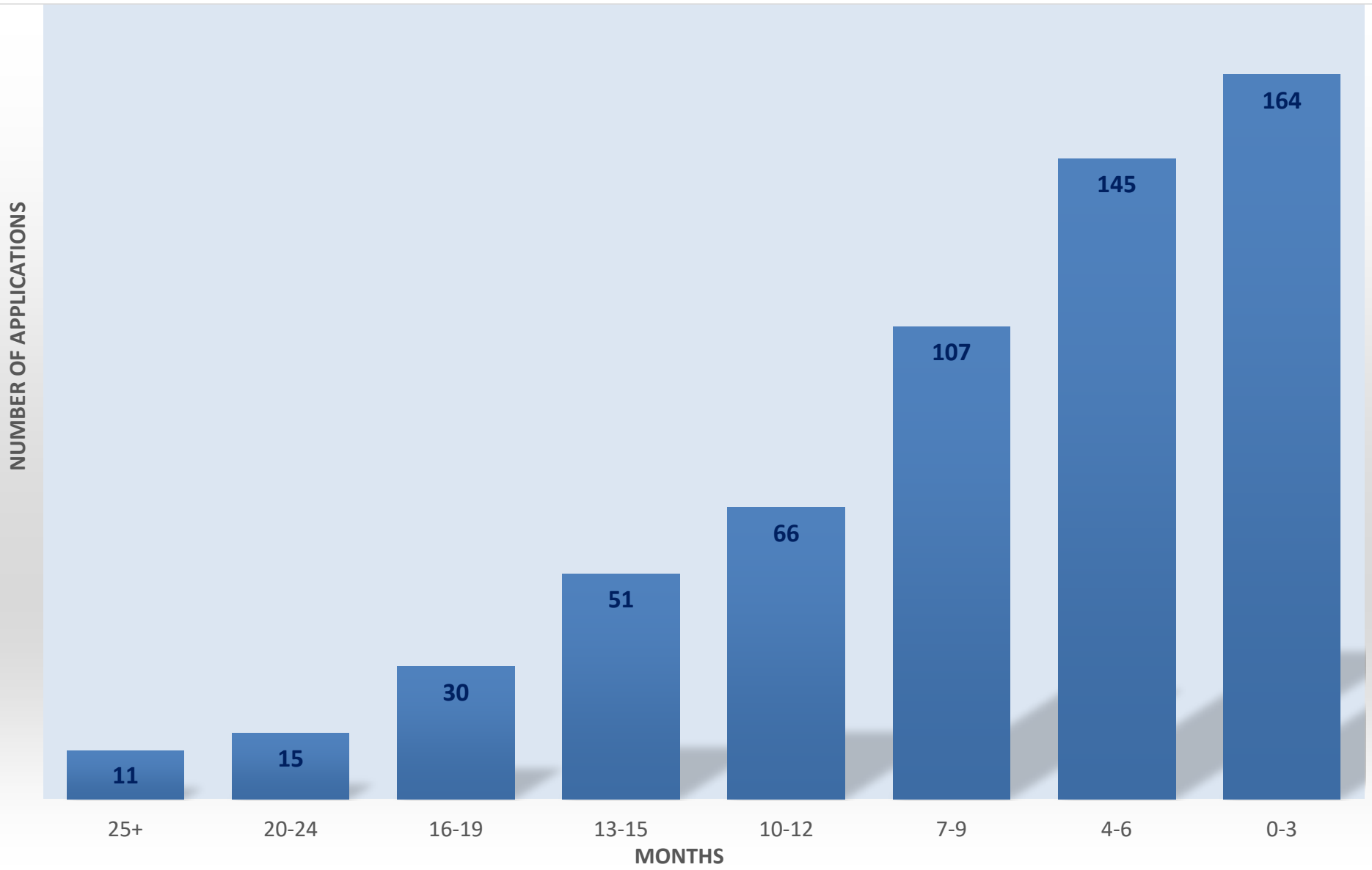
CASE PROCESSING TIME



As of July 30, 2019

August 15, 2019 AGENDA

PENDING APPLICATIONS/TIME INTERVALS



As of July 30, 2019



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