

AGENDA

A REGULAR MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 N. LAKE AVENUE, SUITE 810, PASADENA, CA

8:30 A.M.,* THURSDAY, SEPTEMBER 12, 2019

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

*Although the meeting is scheduled for 8:30 a.m., the meeting will start at the conclusion of the Insurance, Benefits, and Legislative Committee meeting scheduled prior to this meeting.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES
 - A. Approval of the Minutes of the Regular Meeting of August 15, 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 applicants Thomas P. Whalen, Lizandro Salas, Cheryl Ajirogi, and Deanna L. Santino. (Memo dated August 29, 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 August 26, 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 Jason E. Waller, Senior Staff Counsel: That the Board find 1) That Katrina Knight 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; and 3) That she is entitled to the option of an earlier effective date.
(Letter dated August 21, 2019)
2. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for Irene Ayala. (Memo dated August 29, 2019)

XII. 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

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

PRESENT: Alan Bernstein, Chair
Les Robbins, Vice Chair
Gina Zapanta-Murphy, Secretary
JP Harris (Alternate Retired)
Shawn R. Kehoe
Keith Knox
Herman Santos
Thomas Walsh

ABSENT: Vivian H. Gray
Ronald Okum
William Pryor (Alternate Safety)

STAFF ADVISORS AND PARTICIPANTS

John Popowich, Assistant Executive Officer

Dr. Vito Campese, Medical Advisor

Ricki Contreras, Division Manager
Disability Retirement Services

Jason E. Waller, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS

Francis J. Boyd, Senior Staff Counsel

Kerri Wilson, Specialist Supervisor
Disability Retirement Services

Thomas Wicke, Attorney at Law

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. 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 July 3, 2019

Mr. Kehoe made a motion, Mr. Harris seconded, to approve the minutes of the regular meeting of July 3, 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. Bernstein made a motion, Mr. Kehoe seconded, to approve the following items. The motion passed unanimously by all members present.

V. CONSENT ITEMS (Continued)

- 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

There were no items discussed.

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, 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>
68D	ROBERT W. KENNEY
69D*	RONALD M. ANDERSON
70D**	MICHAEL S. BAILEY
71D	DAVID C. DO

* Granted SCD – Salary Supplement

** Granted SCD Retroactive – Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
72D	JOSE L. ZARATE, JR.
73D	ERIK D. BOTTEMA
74D	LUIS A. HERNANDEZ
75D	ANDREW F. TURPEN
76D	ALEXANDRA M. HENSHAW
77D*	SHAWN E. JONES
78D*	WILLIAM A. HARRINGTON
79D	MARLENE M. BERINGER
80D	ARTHUR B. HAYASHIBARA
81D	KEVIN J. JOHNSON (DEC'D)
82D*	STEPHEN C. OPPLER
83D*	NOEL D. VOORHEES
84D	STEVE P. DI FONZO
85D	MARY P. DIBIASE
86D	DANIEL F. ORDWAY
87D**	MICHAEL G. VARVAIS
88D	JOHN DALL

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Retroactive

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Knox, 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>
1141B	SHAWN C. GRIZZARD
1142B	JOHN J. SAMARIN, JR.
1143B	BRYAN K. DOTY
1144B	EDWARD T. EDMONDS
1145B	FREDERICK H. BOETTCHER, II.
1146B	TIMOTHY M. KNORR
1147B	JOHN W. BOYLE
1148B	FRANKLIN F. VOGEL

General Members
Service-Connected Disability Applications

On a motion by Mr. Knox, 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:

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

<u>APPLICATION NO.</u>	<u>NAME</u>
2979B*	JOE J. LECHUGA
2980B	WILLIAM D. FUDGE
2981B**/**	OLIVIA G. RODRIGUEZ
2982B*	KAMEL S. YOUSSEF
2984B****	CINDY L. SLATER
2985B*****	ESTHER L. VERGARA
2986B*	ELIZABETH PINNERE
2987B*	LANET L. BALMIR
2988B	DELPHINE BRADFORD
2989B*	DRUSHAN WILLIAMS
2990B	GLORIA TREVINO
2992B	JOSEPH A. OCHOA
2993B****	PEDRO MAGDALENO
2994B*	JOSEPH A. OCHOA

* Granted SCD – Employer Cannot Accommodate

** Applicant Present

*** Granted SCD – Retroactive

**** Granted SCD Retroactive – Employer Cannot Accommodate

***** Granted SCD – Salary Supplemental

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Nonservice-Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Knox, 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

4386*

YVONNE KANG

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)

Ms. Contreras was present and answered questions from the Board. This Item was received and filed.

IX. ITEMS FOR STAFF REVIEW

The Board requested that the Case Management System discussion be continued to a future Operations Oversight Committee.

X. GOOD OF THE ORDER

(For information purposes only)

The Board recognized the recent shootings and honored the victims in El Paso, Texas and Dayton, Ohio.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

2983B – DARLENE S. CANFIELD

Mr. Santos made a motion, Mr. Kehoe seconded, to grant a service-connected disability retirement pursuant to Government Code Section 31720 and 31724. The motion passed (roll call) with Messrs. Knox, Robbins, Kehoe, Santos, Walsh voting yes; Mr. Bernstein abstaining, and Mrs. Zapanta-Murphy voting no.

2991B – MARY M. VALANCE

Mrs. Zapanta-Murphy made a motion, Mr. Bernstein seconded, to refer back to staff for additional information. The motion failed (roll call) with Messrs. Knox, Robbins, Kehoe, and Santos voting no; and Mrs. Zapanta-Murphy, Walsh, Bernstein voting yes.

Mr. Kehoe made a motion, Mr. Santos seconded, to grant a service-connected disability retirement. The motion passed (roll call) with Messrs. Knox, Robbins, Kehoe, and Santos voting yes; and Mrs. Zapanta-Murphy, Walsh, Bernstein voting no.

5083B – VICTOR J. BOWMAN

Mr. Kehoe made a motion, Mr. Bernstein seconded, to deny a service-connected disability without prejudice. The motion passed unanimously by all members present.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5084B – MEGUMI YAMAMOTO

Mr. Kehoe made a motion, Mr. Knox seconded, to grant a nonservice-connected disability pursuant to Government Code Section 31720. The motion passed unanimously by all members present.

5085B – CHINDE L. QUINES

Mr. Robbins made a motion, Mr. Knox seconded, to deny a service-connected disability since the employer can accommodate. The motion passed unanimously by all members present.

5086B – SHARON D. JOHNSON

Mr. Kehoe made a motion, Mr. Bernstein seconded, to deny a service connected disability retirement without prejudice since the employer can accommodate.

Mr. Santos made a substitute motion, Mr. Kehoe seconded, to refer back to staff for additional information. The motion passed unanimously by all members present.

5087B – ETNA L. PALENCIA

Mr. Knox made a motion, Mr. Bernstein seconded, to deny a service connected disability retirement without prejudice since the employer can accommodate. The motion passed unanimously by all members present.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5088B – TRAVIS C. WHITEAKER

Mr. Robbins made a motion, Mr. Knox seconded, to deny a service connected disability retirement without prejudice.

Mr. Kehoe made a substitute motion, Mr. Santos seconded, to refer back to staff for additional information. The motion failed (roll call) with Messrs. Knox, Walsh, Robbins, and Mrs. Zapanta-Murphy voting no; and Messrs. Santos, Kehoe and Bernstein voting yes.

The original motion passed (roll call) with Messrs. Knox, Walsh, Robbins, Bernstein, and Mrs. Zapanta-Murphy voting yes; and Messrs. Santos and Kehoe voting yes.

5089B – SAMPHEAR OUK

Mr. Santos made a motion, Mr. Knox seconded, to deny a service-connected disability retirement and find the applicant ineligible for a nonservice-connected disability retirement. The motion passed unanimously by all members present.

5090B – DAMION BUSHNELL

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

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5091B – SAMEL L. HARDIMAN

Mr. Robbins made a motion, Mr. Kehoe seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously by all members present.

5092B – RONALD KALTHOFF*

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

5093B – NARIMAN AMJADI

Mr. Kehoe made a motion, Mr. Santos seconded, to refer back to staff for additional information. The motion passed unanimously by all members present.

5094B – DEANNA L. SANTINO

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

5095B – VIVIAN JASSO

Mr. Kehoe made a motion, Mr. Bernstein seconded, to deny a service-connected disability retirement without prejudice. The motion passed unanimously by all members present.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5096B – MARIA E. GARIBAY

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

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

OSCAR G. RAMOS – Thomas Wicke for the applicant
Jason E. Waller for the respondent

Mr. Kehoe made a motion, Mr. Knox seconded, to deny a service-connected disability retirement, grant a nonservice-connected disability retirement, and an option of an earlier effective date.

Mr. Santos made a motion, Mr. Kehoe seconded, to grant a nonservice connected disability retirement and grant the option of an earlier effective date. The motion passed (roll call) with Messrs. Kehoe, Knox, Robbins, Santos, Walsh, Bernstein, and Mrs. Zapanta-Murphy voting yes.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

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)

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

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)

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

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)

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

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)

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

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)

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

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

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)

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

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)

This Item was received and filed.

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

The Board met in Executive Session with counsel pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9. The Board unanimously by all members present voted, on a motion made by Mr. Robbins, seconded by Mr. Santos, to approve the attorney fees for Winifred O. McCloud.

XIII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:47 a.m. in memory of the victims of the mass shootings in El Paso, Texas

August 15, 2019

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XII. ADJOURNMENT (Continued)

and Dayton, Ohio, as well as LAPD Officer Juan Diaz and CHP Officer Andre Moye, Jr.

GINA ZAPANTA-MURPHY, SECRETARY

ALAN BERNSTEIN, CHAIR



August 29, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services

SUBJECT: **APPEALS FOR THE BOARD OF RETIREMENT'S MEETING
OF SEPTEMBER 12, 2019**

IT IS RECOMMENDED that the Board of Retirement grant the appeals and requests for administrative hearing received from the following applicants, and direct the Disability Retirement Services Manager to refer each case to a referee:

5054B	Thomas P. Whalen	Michael Treger	Deny SCD Without Prejudice
5057B	Lizandro Salas	In Pro Per	Deny SCD – Grant NSCD With the Option of an Earlier Effective Date
5082B	Cheryl Ajirogi	In Pro Per	Deny SCD – Grant NSCD Employer Cannot Accommodate
5094B	Deanna L. Santino	Thomas Wicke	Deny SCD

RC:kw

Memo. New Appeals.docx




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**

August 26, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager 
Disability Retirement Services

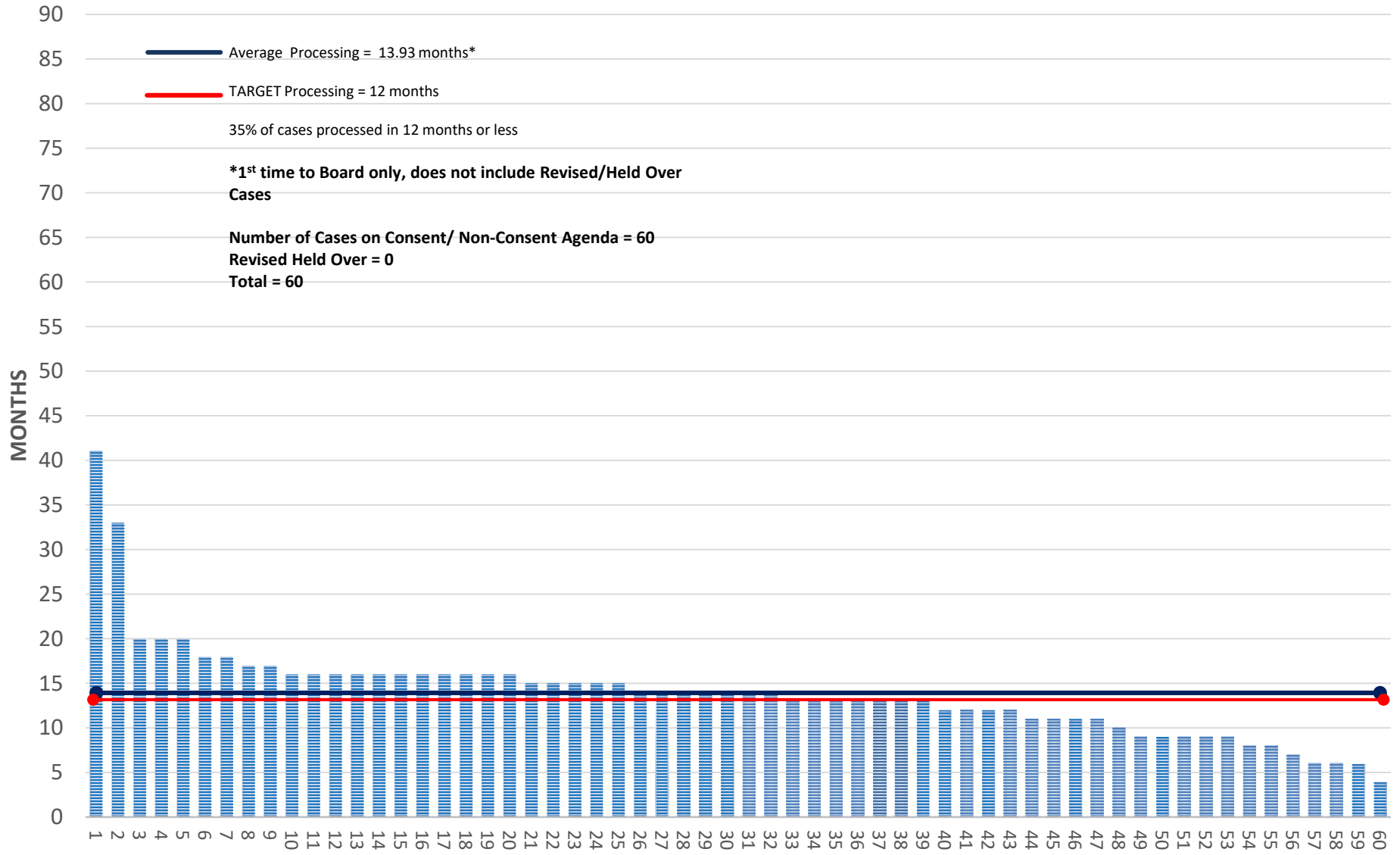
FOR: September 12, 2019 Board of Retirement Meeting

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 September 12, 2019 Disability Retirement Applications Agenda.

Consent & Non-Consent Calendar		
Number of Applications	28	
Average Processing Time (in Months)	12.43	
Revised/Held Over Calendar		
Number of Applications	2	
Processing Time Per Case (in Months)	Case 1 30	Case 2 14
Total Average Processing Time Revised/Held Over Calendar	22.00	
Total Average Processing Time All 30 Cases on Agenda	13.07	

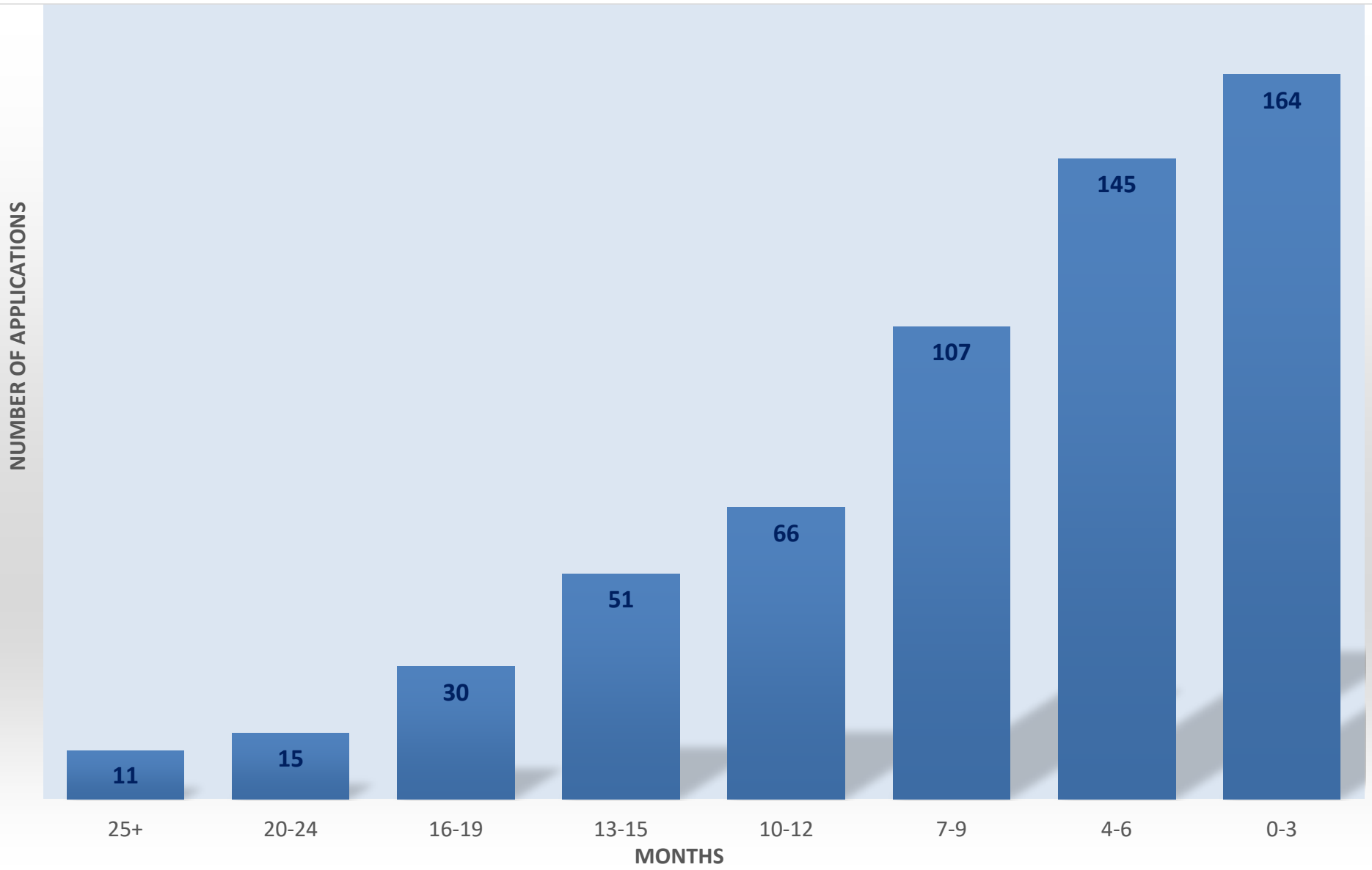
CASE PROCESSING TIME



As of July 30, 2019

August 15, 2019 AGENDA

PENDING APPLICATIONS/TIME INTERVALS



As of July 30, 2019



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