

APPROVED

MINUTES OF THE SPECIAL 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, NOVEMBER 21, 2019

PRESENT: Alan Bernstein, Chair
Gina Zapanta, Secretary
Vivian H. Gray
JP Harris (Alternate Retired)
Shawn R. Kehoe
Keith Knox
Ronald Okum
William Pryor (Alternate Safety)
Herman Santos
Thomas Walsh

ABSENT: Les Robbins, Vice Chair

STAFF ADVISORS AND PARTICIPANTS

Santos H. Kreimann, Chief Executive Officer
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

Francis J. Boyd, Senior Staff Counsel

Allison E. Barrett, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

I. CALL TO ORDER

The meeting was called to order by Mr. Bernstein at 9:03 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Okum 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 October 10, 2019

Mr. Kehoe made a motion, Mr. Okum seconded, to approve the minutes of the regular meeting of October 10, 2019. The motion passed unanimously by all members present.

IV. REPORT ON CLOSED SESSION ITEMS

(For Information Only) (Report dated November 12, 2019)

This Item was received and filed.

V. PUBLIC COMMENT

There were no requests from the public to speak.

VI. CHIEF EXECUTIVE OFFICER UPDATE
(For information purposes only)

Mr. Kreimann provided a brief update on the Board of Investments meeting that took place on November 20, 2019.

VII. CONSENT ITEMS

Mr. Okum made a motion, Mr. Kehoe seconded, to approve Consent Items A-C. The motion passed unanimously by all members present.

- 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 John G. Cabula, Sophia A. Johnson, Barbara C. Yu, Terri L. Love, and Philip D. Wilkes.
(Memo dated November 12, 2019)
- B. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice Amelia C. Casado's appeal for a service-connected disability retirement.
(Memo dated November 8, 2019)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice Caroline Taylor's appeal for a service-connected disability retirement.
(Memo dated November 8, 2019)

VIII. EXCLUDED CONSENT ITEMS

There were no items discussed.

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Okum, the Board of Retirement approved a service-connected disability retirement for the following named employees

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

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>
106D	ARTHUR M. VARGAS, JR.
107D*	JOHN P. ANDERSON
108D*	DANIEL B. ROSS
109D*	BRUCE A. LANG
110D	EVERETTE D. WADE
111D	SCOTT L. BASTIAN
112D	WADE E. YOUNG
113D	JAMES G. SCHALLERT
114D	CRAIG S. MCCLELLAND
115D	DARYL L. GAUNT
116D	RICHARD E. BOYKIN, JR.
117D	KENNETH S. ROLLER
118D	STEVEN J. SCIACCA
119D	KEITH E. SWENSSON
120D	ROBERT O. WEST

* Granted SCD – Employer Cannot Accommodate

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
121D	TODD P. KUBELA
122D	KATHLEEN A. EVERETT
123D*	SONIA D. CARROLL

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Okum, 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>
1166B	RICK FLORES
1167B	CHARLES B. GALVAN
1168B	JEREMY P. ARMOUR
1169B**	RANDALL DUARTE (DECEASED)
1170B	DAVID H. KRISMAN
1171B	MICHAEL V. KLINGER
1172B	JANET BABCOCK

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Survivor Benefit

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1173B*	CHUCH T. CHAVES
1174B	JOHN C. TUCK
1175B	MARK M. ROTONDO
1176B	SEAN G. CUSACK
1177B	LONDELL A. LITTLEJOHN
1178B	PAUL M. RUSIN

General Members
Service-Connected Disability Applications

On a motion by Mr. Okum, 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>
2011C**	CHARLES A. GONZALES
2012C**	ROBERT L. HERNANDEZ
2013C	MARIA A. ROSS
2014C**	OLIVIA DE SIGIO
2015C	KIMBERLY C. DANDINI

*Granted SCD – Retroactive

** Granted SCD – Employer Cannot Accommodate

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2016C*	HELEN BAKO
2017C*	CYNDI P. TRAN
2018C	CHRISTIAN X. WALKER
2019C**	SHERRY L. NAVE
2020C**	JON L. STREETER
2021C***	PAUL A. DAVID
2022C	STANLEY BROWN
2023C***	EUGENE L. KEYES, JR.
2024C****	EDGAR ARRONDO
2025C**	JANE H. KIM
2026C	ANDREW GONZALEZ
2027C**	TOMAS CONTRERAS

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Retroactive

***Granted SCD – Salary Supplement

****Granted SCD – Retroactive Employer Cannot Accommodate

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR
(Continued)

General Members

Nonservice-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Ms. Gray, 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:

APPLICATION NO.

NAME

4390

MARTHA A. RODRIGUEZ

X. REPORTS

- A. For discussion purposes and direction as submitted by Steven P. Rice, Chief Counsel, regarding the County Auditor-Controller's Report. (Memo dated November 12, 2019)

Mr. Rice and Mr. Kreimann provided the Board with a brief update.

- B. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated October 25, 2019)

This Item were received and filed.

- C. For Information Only as submitted by Francis J. Boyd, Senior Staff Counsel, Legal Division, regarding the Response to Board of Retirement Questions. (Memo dated November 8, 2019)

This Item were received and filed.

X. REPORTS (Continued)

- D. For Information Only as submitted by Francis J. Boyd, Senior Staff Counsel, regarding Labor Code Section 3212.15: Workers' Compensation Post-Traumatic Stress Disorder Presumption (Effective January 1, 2020 to January 1, 2025). (Memo dated November 5, 2019)

This Item were received and filed.

XI. ITEMS FOR STAFF REVIEW

The Board requested that the Chief Executive Officer provide ongoing reporting on the progress of staff's efforts in addressing the findings of the Los Angeles County

XI. ITEMS FOR STAFF REVIEW (Continued)

Auditor-Controller's report.

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

Mr. Santos and Ms. Gray shared their experience in attending the Toigo Foundation and recognized staff for being recognized at the event.

Mr. Kreimann recognized and thanked staff for their ongoing efforts and input during the short time he has been here.

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

(The following items were held following Item IX.)

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5109B – JOSEPH L. THEUS

Ms. Gray made a motion, Mr. Santos seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

31720 and 31724. The motion passed unanimously by all members present.

5110B – XOCHITL R. MERCADO

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

5111B – RONNIE L. BERKOVIVS (DEC'D)

Ms. Gray made a motion, Mr. Santos seconded, to deny a service-connected disability retirement survivor benefit. The motion passed unanimously by all members present.

5093B – NARIMAN AMJADI

Mr. Okum made a motion, Mr. Kehoe seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section 31720 and 31724 since the employer cannot accommodate.

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

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6991A – TRENACIA M. HOGAN

Mr. Okum made a motion, Ms. Gray seconded, to grant a service-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously by all members present.

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

ROSALINA GOMEZ – Jason E. Waller for the applicant
Thomas J. Wicke for the respondent

Mr. Kehoe made a motion, Mr. Santos seconded, to grant a service-connected disability retirement. The motion passed unanimously by all members present.

ROBERT C. LINDSEY – Eugenia W. Der for the applicant
Thomas J. Wicke for the respondent

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

It was requested that the motion be reconsidered, there was no objection.

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Disability Retirement Appeals (Continued)

APPLICATION NO. & NAME

BOARD ACTION

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

A4102DRAS – Jennifer S. Creighton for the respondent
In Pro Per for the applicant

Mr. Santos made a motion, Mr. Kehoe seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Okum, Kehoe, Knox, Robbins, Santos, Walsh, Bernstein, Ms. Gray, and Ms. Zapanta-Murphy voting yes.

C. Staff Recommendations

1. Recommendation as submitted by Francis J. Boyd, Senior Staff Counsel: That the Board adopt the Proposed Findings of Fact and Conclusions of Law granting Oscar Ramos a non-service connected disability pursuant to Government Code Section 31720 with an earlier effective date pursuant to Government Code Section 31724; and Government Section 31726(b)2 shall not apply to Applicant's disability retirement benefits. (Memo dated November 7, 2019)

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

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

2. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find Rhonda Johnson permanently incapacitated for service-connected reasons and grant her a service-connected disability retirement. (Letter dated October 25, 2019)

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

3. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board, pursuant to Government Code Section 31541.1, 1) find that Carla R. Roberts delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity until after the day following her last day of regular compensation; 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 November 1, 2019)

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

4. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for Irene Ayala. (Memo dated November 8, 2019)

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

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

5. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for Jeffrey Caren, M.D. (Memo dated November 8, 2019)

Mr. Santos 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 Barbara Kong-Brown. (Memo dated October 3, 2019)

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

7. 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 October 25, 2019)

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

8. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the 2019 Quarterly Reports of Paid Invoices – 3rd Quarter. (Memo dated October 31, 2019)

This Item was received and filed.

XIV. EXECUTIVE SESSION

- 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. Administrative Appeal of Lovia J. Pitts

The Board met in Executive Session 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. Kehoe, seconded by Mr. Santos, to grant Ms. Pitt's appeal and provided direction to staff.

XV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:18 a.m.

Signature on File

GINA ZAPANTA-MURPHY, SECRETARY

Signature on File

ALAN BERNSTEIN, CHAIR