

APPROVED

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., THURSDAY, MARCH 12, 2020

PRESENT: Herman Santos, Chair
Vivian H. Gray, Vice Chair
Gina Zapanta, Secretary (Left the Board meeting at 10:15 a.m.)
JP Harris (Alternate Retired)
Shawn R. Kehoe
Wayne Moore
Ronald Okum
William Pryor (Alternate Safety) (Arrived at 9:11 a.m.)
Les Robbins
Thomas Walsh

ABSENT: Keith Knox

STAFF ADVISORS AND PARTICIPANTS

Santos H. Kreimann, Chief Executive Officer
John Popowich, Assistant Executive Officer
Steven P. Rice, Chief Counsel
Francis J. Boyd, Senior Staff Counsel
Allison E. Barrett, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS

Tamara Caldwell, Disability Retirement Specialist Supervisor

Hernan Barrientos, Disability Retirement Specialist Supervisor

Thomas J. Wicke, Attorney

Jennifer S. Creighton, Attorney

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mr. Harris led the trustees and staff in reciting the Pledge of Allegiance.

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of February 13, 2020

Mr. Harris made a motion, Mr. Walsh seconded, to approve the meeting minutes for February 13, 2020. The motion passed unanimously by all trustees present.

IV. PUBLIC COMMENT

There were no requests from the public to speak.

V. CHIEF EXECUTIVE OFFICER UPDATE

(For information purposes only) (Mr. Pryor arrived at 9:11 a.m.)

Mr. Kreimann provided an updated regarding LACERA and the coronavirus pandemic.

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, 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>
185D	JAMES C. THORNTON, JR.
186D*	RANDALL D. HARRIS
187D	MARK E. WISE
188D**	MARK A. BATSFORD
189D	JASON S. LAVALLETTE
190D	SEAN P. HANSEN
191D***	JOEL I. ARCE
192D	EDMUND F. GARNICA
193D	JESSE M. HERNANDEZ
194D	ROBERT J. GREEN

* Granted SCD – Retroactive Employer Cannot Accommodate

** Granted SCD – Employer Cannot Accommodate

*** Granted SCD – Retroactive

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
195D	MICHAEL J. CARNAKIS
196D*	ROBERT J. THURMAN
197D*	NIELS GITTISARN
198D	JEFFREY M. MARTIN
199D**	JOSEPH F. FENNELL, JR.

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Okum, seconded by Ms. Gray, 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>
1210B	EUGENE S. TACHIYAMA
1211B	RICHARD J. LEUCK, JR.
1212B	JEFFREY D. SIMS
1213B	RODNEY A. WILLIAMS
1214B	BART MATTA
1215B	DAVID A. ESPARZA

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1216B	MICHAEL J. BERAN
1217B	TIMOTHY P. PANZA
1218B	KEVIN M. PAULSON
1219B*	MARK A. SAVAGE
1220B	SCOTT T. FELLHOELTER

General Members
Service-Connected Disability Applications

On a motion by Mr. Okums, 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>
2062C	JOHN B. WEBER (DEC'D)
2063C**	RANDALL L. WEBB
2064C*	MELINDA A. GALLANT
2065C	ROCKI K. WARFORD
2066C**	ROBERT M. OGDEN

* Granted SCD – Employer Cannot Accommodate
** Granted SCD – Retroactive Since Employer Cannot Accommodate

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2067C*	DYAN STARR
2068C**	DANIEL S. PADILLA
2069C*	JULIE HUANG
2070C***	ANDREA J. GONZALES
2071C****	TONI PARKER

Safety Members
Nonservice-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Robbins, 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>
3014*****	RICHARD J. PATTERSON

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Retroactive Since Employer Cannot Accommodate

*** Granted SCD – Salary Supplemental

**** Granted SCD – Retroactive

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Nonservice-Connected Disability Applications

On a motion by Ms. Gray, seconded by Mr. Walsh, 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

4393*

TINA M. CARVAJAL-HILL

VII. CONSENT ITEMS

Mr. Kehoe made a motion, Mr. Okum seconded, to approve the following items. The motion passed unanimously by all trustees present.

- A. Recommendation as submitted by Tamara Caldwell, Acting Division Manager, Disability Retirement Services: That the Board grant the appeals and request for an administrative hearing for applicants Kamilia Salama, Mayedean B. Turner, and John P. Harris. (Memo dated February 27, 2020)
- B. Recommendation as submitted by Tamara Caldwell, Acting Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal of Yvonne R. Girard for service-connected disability retirement. (Memo dated February 28, 2020)

VIII. EXCLUDED CONSENT ITEMS

There were no items.

IX. REPORTS

The following Items were received and filed.

IX. REPORTS (Continued)

- A. For Information Only as submitted by Santos H. Kreimann, Chief Executive Officer, regard the Coronavirus (COVID-19) Response Planning and Business Continuity Update. (Memo dated March 5, 2020)
- B. For Information Only as submitted by Tamara Caldwell, Acting Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated February 26, 2020)

X. ITEMS FOR STAFF REVIEW

There was nothing to report.

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

There were no comments during Good of the Order.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

- A. Applications for Disability (Ms. Zapanta left the meeting at 10:13 a.m.)

APPLICATION NO. & NAME

BOARD ACTION

5123B – MICHAEL A. LYND

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

5124B – DANIEL E. HARRIGAN

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

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
5125B – MYRNA A. CO*	Mr. Pryor 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 trustees present.
5126B – TAMMY THOMAS	Mr. Kehoe made a motion, Ms. Gray seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section 31720 since the employer cannot accommodate. The motion passed unanimously by all trustees present.
5127B – ALMA D. OFRENEO	Ms. Gray made a motion, Mr. Okum seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720 and 31724. The motion passed unanimously by all trustees present.
5128B – PATRICIA S. SHELBY	Mr. Pryor made a motion, Mr. Okum seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. Ms. Gray made a substitute motion, Mr. Pryor seconded, to deny a service connected disability retirement without prejudice. The motion passed unanimously by all trustees present.

*Applicant Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
5107B – MARISSA MELENDEZ	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 trustees present.

B. Disability Retirement Appeals

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
WILLIE GREENWOOD, JR. (DEC'D) EL-DORIS GREENWOOD, SURV. (DEC'D) - Jason E. Waller for the respondent Thomas J. Wicke for the applicant	Mr. Kehoe made a motion, Mr. Moore seconded, that the optional death benefit pursuant to Government Code Section 31787 be denied, and grant the nonservice connected disability survivor allowance to continue.
	Mr. Kehoe made a substitute motion, Ms. Gray seconded, to overturn the referee's recommended decision and find that Willie Greenwood's death was service connected. Applicant is to prepare findings of fact and conclusions of law pursuant to Rule 30 of LACERA's Procedures for Disability Retirement Hearings. The motion passed (roll call) with Messrs. Kehoe, Moore, Santos, Okum, Walsh, and Ms. Gray voting yes.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

ELSA MIDGETTE – Eugenia W. Der for the respondent
Joon Y. Kim for the applicant

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

FRANK DEGREGORIO – Jason E. Waller for the respondent
James M. Malkin for the applicant

Mr. Robbins made a motion, Mr. Kehoe seconded, to deny a service connected disability retirement and grant a nonservice-connected disability retirement. The motion passed unanimously by all trustees present.

A402DRAS – Jennifer S. Creighton for the respondent
In Pro Per

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 by all trustees present.

C. Staff Recommendations

1. 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 February 27, 2020)

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

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

XIII. EXECUTIVE SESSION

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

1. Nancy C. Yu et al. v. Board of Retirement

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 11:56 a.m.

Signature on File

GINA ZAPANTA, SECRETARY

Signature on File

HERMAN SANTOS, CHAIR