

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

9:30 A.M., THURSDAY, APRIL 9, 2020

This meeting was conducted by the Board of Retirement by teleconference under the Governor's Executive Order No. N-29-20.

PRESENT: Herman Santos, Chair

Vivian H. Gray, Vice Chair

Gina Zapanta, Secretary (Joined at 9:40 a.m., departed at 11:15 a.m.)

JP Harris (Alternate Retired)

Shawn R. Kehoe

Keith Knox

Wayne Moore

Ronald Okum

William Pryor (Alternate Safety)

Les Robbins

Thomas Walsh

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

Barry W. Lew, Legislative Affairs Officer

STAFF ADVISORS AND PARTICIPANTS

Dr. Vito Campese, Medical Advisor

Vincent Lim, Senior Staff Counsel

Ricki Contreras, Division Manager
Disability Retirement Services

Michael Treger, Applicant Attorney

Kelvin Lee, Applicant Attorney

Thomas J. Wicke, Applicant Attorney

Jennifer Creighton, Attorney at Law

I. CALL TO ORDER

The meeting was called to order by Mr. Santos at 9:30 a.m. in the Board Room of Gateway Plaza.

II. APPROVAL OF MINUTES

- A. Approval of the Minutes of the Regular Meeting of March 4, 2020
- B. Approval of the Minutes of the Regular Meeting of March 12, 2020

Ms. Gray made a motion, Mr. Harris seconded, to approve the minutes of the regular meeting of March 4, 2020 and March 12, 2020. The motion passed (roll call) with Messrs. Knox, Okum, Walsh, Moore, Robbins, Kehoe, Santos, and Ms. Gray voting yes. The motion passed unanimously with all trustees present.

III. PUBLIC COMMENT

There were no requests from the public to speak.

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

Mr. Kreimann provided the Board with an update.

V. 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 made a motion to approve 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. The motion passed (roll call) with Messrs. Knox, Okum, Walsh, Moore, Robbins, Kehoe, Santos, and Ms. Gray voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
200D	JAMES M. FLETCHER, JR.
201D*	RICHARD J. POMPA
202D	WILLIAM H. LYNCH
203D	JUNE A. BACA
204D*	JAMES C. MURREN
205D	CRISTINA TURPEN
206D	CARLOS QUINTANA
207D**	BRIAN J. DE RUYTER
209D	LANCE B. EDDINS
210D	PEDRO ECHEVERRIA HERRERIA

*Granted SCD - Retroactive

**Granted SCD - Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
211D*	MICHAEL E. CEDARLAND
212D	TROY H. PIEPER
213D**	DONALD E. MCMINN, JR.
214D	JEFFREY W. DUSKY
215D	NICHOLAS G. CANNIS

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Ms. Gray, the Board of Retirement, except Mr. Knox who recused himself from voting, made a motion to approve 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. The motion passed (roll call) with Messrs. Okum, Walsh, Moore, Robbins, Kehoe, Santos, and Ms. Gray voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
208D*	CHRISTOPHER M. KNOX

*Granted SCD - Retroactive

**Granted SCD - Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Ms. Gray, the Board of Retirement made a motion to approve 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. The motion passed (roll call) with Messrs. Knox, Okum, Walsh, Moore, Robbins, Kehoe, Santos, and Ms. Gray voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
1221B	DAVID L. MORSE
1222B	MICHAEL J. RICHEY
1223B	TONY K. HABERMAN
1224B	MARTIN J. BLOMGREN
1225B	FRANK D. MCCARTHY, IV
1226B	GUSTAVO A. MUNGUIA
1227B	MICHAEL B. WHITE
1228B	SALVATORE G. ADAMO
1229B	JOHN W. SANTERO
1230B	MICHAEL A. ALVES

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Robbins, seconded by Mr. Okum, the Board of Retirement made a motion to approve 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. The motion passed (roll call) with Messrs. Knox, Okum, Walsh, Moore, Robbins, Kehoe, Santos, and Ms. Gray voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
2072C	JUDY M. AKIKE
2073C*	AUDREY R. ORTIZ
2075C	LOVIA J. PITTS
2076C	LESLIE E. REHAK
2077C*	VILMA G. MANSFIELD
2078C**	ROBERT L. JEFFREY. JR.

*Granted SCD - Retroactive

**Granted SCD Retroactive - Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Nonservice-Connected Disability Applications

On a motion by Mr. Robbins, seconded by Mr. Moore, the Board of Retirement made a motion to approve 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. The motion passed (roll call) with Messrs. Knox, Okum, Walsh, Moore, Robbins, Kehoe, Santos, and Ms. Gray voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
4394*	EMILY SY-ONGCHING
4395*	MARIANNE F. OLIVA

VI. CONSENT ITEMS

Mr. Knox made a motion, Mr. Kehoe seconded, to approve the following items. The motion passed (roll call) with Messrs. Knox, Okum, Walsh, Moore, Robbins, Kehoe, Santos, and Ms. Gray voting yes. The motion passed unanimously with all trustees present.

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals. (Memo dated March 25, 2020)
- 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 Gregory L. Stegner and Diane A. Wu. (Memo dated March 27, 2020)

VII. EXCLUDED CONSENT ITEMS

There were no items to address.

VIII. NON-CONSENT ITEMS

- A. Recommendation as submitted by Barry W. Lew, Legislative Affairs Officer: That the Board adopt a “Support” position on Assembly Bill 2937, which would provide that a board of supervisors may adopt a resolution to remove intemperate use of alcoholic liquor or drugs as a factor that reduces a nonservice-connected disability retirement allowance. (Memo dated March 30, 2020)

Ms. Gray made a motion, Mr. Okum seconded, to approve staff’s recommendation. The motion passed (roll call) with Messrs. Knox, Okum, Walsh, Moore, Robbins, and Ms. Gray voting yes; and Messrs. Kehoe and Santos voting no.

(Ms. Zapanta joined the meeting at 9:40 a.m.)

B. Emergency Item

1. That the Board of Retirement find that an emergency exists within the meaning of Government Code Sections 54954.2(b)(1) and 54956.5(a)(1) and (b)(1) due to the existence of circumstances relating to the impact of COVID-19 on LACERA, its staff, and members that constitute a “crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority” of the Board and that “prompt action is necessary due to the disruption or threatened disruption of public facilities.”

Mr. Harris made a motion, Ms. Gray seconded, to find that an emergency exists within the meaning of Government Code Sections 54954.2(b)(1) and 54956.5(a)(1) and (b)(1). The motion passed (roll call) with Messrs. Knox, Okum, Kehoe, Santos, Walsh, Moore, Robbins, Ms. Zapanta and Ms. Gray voting yes.

VIII. NON-CONSENT ITEMS (Continued)

2. That the Board of Retirement grant the Chief Executive Officer emergency purchasing authority up to and including a total of \$1,000,000, above his existing authority, for goods and services deemed necessary by the CEO, after consultation with the Chair and Vice Chair of the Board of Retirement, to enable LACERA to address the COVID-19 emergency. Notice of any expenditure under this authority will be provided to the Board of Retirement at its next meeting, with a copy to the Board of Investments. This authority will expire within 180 days, unless renewed by the Board. (Memo dated April 8, 2020)

Mr. Harris made a motion, Mr. Okum seconded, to approve staff's recommendation. The motion passed (roll call) with Messrs. Knox, Okum, Kehoe, Santos, Walsh, Moore, Robbins, Ms. Zapanta and Ms. Gray voting yes.

IX. REPORT

The following items were received and filed.

- A. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the Monthly Status Report on Legislation. (Memo dated March 23, 2020)
- B. For Information Only as submitted by Francis J. Boyd, Senior Staff Counsel, regarding the Panel Physician Evaluation Reports During the Safer at Home Order for Control of Covid-19. (Memo dated March 31, 2020)
- C. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated March 29, 2020)

X. ITEMS FOR STAFF REVIEW

There were no items to report.

XI. GOOD OF THE ORDER

(For information purposes only)

There was nothing to report.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

(Ms. Zapanta departed the meeting at 11:15 a.m.)

APPLICATION NO. & NAME

BOARD ACTION

5129B – DENISE JACKSON

Ms. Gray made a motion, Mr. Okum seconded, to deny a service-connected disability retirement since the employer can accommodate. The motions passed (roll call) with Messrs. Knox, Okum, Kehoe, Santos, Walsh, Moore, Robbins, and Ms. Gray voting yes.

5130B - DANNY T. HAN

Mr. Kehoe made a motion, Mr. Okum seconded, to hold the case over pending additional information. The motions passed (roll call) with Messrs. Knox, Okum, Kehoe, Santos, Walsh, Moore, Robbins, and Ms. Gray voting yes.

5131B - MICHAEL J. CLINKUNBROOMER

Ms. Okum made a motion, Mr. Walsh seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motions passed (roll call) with Messrs. Knox, Okum, Kehoe, Santos, Walsh, Moore, Robbins, and Ms. Gray voting yes.

5132B - GABRIEL A. RAMIREZ

This case was pulled by the applicant.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6908A- ROBERTO A. GOODEN

Mr. Kehoe made a motion, Mr. Okum seconded, to return to staff for additional information.

Ms. Gray made a substitute motion, Mr. Moore seconded, to grant a retroactive service connected disability retirement. The motion passed (roll call) with Messrs. Okum, Santos, Kehoe, Walsh, Moore, Robbins, and Ms. Gray voting yes; and Mr. Knox voting no.

2019-1RH

Mr. Pryor made a motion, Ms. Gray seconded, to grant a service-connected disability retirement pursuant to Government Code Section 31720. The motion passed (roll call) with Messrs. Knox, Kehoe, Okum, Santos, Walsh, Moore, Robbins, and Ms. Gray voting yes.

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

N4102DRAC- Vivian W. Schultz for the respondent
Danny T. Polhamus for the applicant

Mr. Kehoe made a motion, Mr. Harris seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed (roll call) with Messrs. Knox, Okum, Santos, Walsh, Moore, Kehoe, Robbins, and Ms. Gray voting yes.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION
(Continued)

C. Staff Recommendations

Mr. Kehoe made a motion, Mr. Pryor seconded, to approve the following items. The motion passed (roll call) with Messrs. Knox, Okum, Kehoe, Santos, Walsh, Moore, Harris, and Ms. Gray voting yes.

1. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board, pursuant to Government Code section 31541.1, find (1) that Mr. Steven Flamm delayed filing his application for disability retirement because he was unable to ascertain the permanency of his incapacity until after the day following 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. (Memo dated March 17, 2020)
2. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board, pursuant to Government Code section 31541.1, find (1) that Yen T. Ha delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity; (2) that her application is deemed filed on the day after the last day of regular compensation (retroactive) in accordance with Government Code section 31724; and (3) that she is entitled to the option of an earlier effective date. (Memo dated March 17, 2020)
3. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the service provider invoices for Jeffrey F. Caren, M.D. (Memo dated March 19, 2020)

Green Folder Information (Information distributed to each Trustees prior to the meeting)

1. Item XI. A. Disability Retirement Case – Danny T. Han 5130B
(Memo dated April 8, 2020)

April 9, 2020

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XIII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:52 p.m.

Signature on File

GINA ZAPANTA, SECRETARY

Signature on File

HERMAN SANTOS, CHAIR