

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, APRIL 15, 2021

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

PRESENT: Alan Bernstein, Chair

Vivian H. Gray, Vice Chair

JP Harris (Alternate Retired)

Shawn R. Kehoe

Keith Knox

Wayne Moore

Ronald Okum (Joined at 9:40 a.m.)

William Pryor (Alternate Safety)

Les Robbins

Herman Santos

ABSENT: Gina Zapanta

STAFF ADVISORS AND PARTICIPANTS

Santos H. Kreimann, Chief Executive Officer

John Popowich, Assistant Executive Officer

Johanna Fontenot, Interim Chief Counsel

Francis J. Boyd, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Vincent Lim, Disability Litigation Manager

Allison E. Barrett, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Jason E. Waller, Senior Staff Counsel

Ricki Contreras, Disability Retirement Manager

Tamara Caldwell, Disability Retirement Specialist Supervisor

Vickie Neely, Disability Retirement Specialist Supervisor

Kerri Wilson, Disability Retirement Specialist Supervisor

Hernan Barrientos, Disability Retirement Specialist Supervisor

Ricardo Salinas, Disability Retirement Specialist Supervisor

Amabelle Delin, Disability Retirement Specialist

Michelle Yanes, Disability Retirement Specialist

Angie Guerrero, Disability Retirement Specialist

Mario Muro, Disability Retirement Specialist

Anna Kwan, Disability Retirement Specialist

I. CALL TO ORDER

The meeting was called to order virtually by Mr. Bernstein at 9:00 a.m.

II. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of March 11, 2021

II. APPROVAL OF MINUTES (Continued)

Mr. Knox made a motion, Mr. Kehoe seconded, to approve the minutes of the regular meeting of March 11, 2021. The motion passed (roll call) with Messrs. Bernstein, Knox, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes. Mr. Okum was absent from the vote.

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 regarding the processing status of retirement and retiree healthcare applications. He thanked staff for their efforts during March Madness.

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Mr. Kehoe, 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. The motion passed (roll call) with Messrs. Bernstein, Robbins, Moore, Kehoe, Knox, Santos, and Ms. Gray voting yes. Mr. Okum was absent from the vote.

APPLICATION NO.

NAME

426D

GABRIELA MURGUIA

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
427D	RONALD W. ROBINETT, JR.
429D	DAVID L. DIOT
430D	MICHAEL G. BAYER
431D	CHRISTOPHER V. BERGNER
432D*	OLIVER J. DONAN
433D	TERENCE A. JOHNSON
434D	THOMAS E. PARRISH
435D	MICHAEL V. FRAIJO
436D	CRAIG C. UTLEY
437D	KEVIN S. KAZAN
438D	DAVID D. PETERSON, JR.
439D*	JUDITH M. LEYN
440D	DARREN W. LASS
441D*	CHRIS J. PEREZ
442D	JOHN D. PRENTICE
443D	CARL G. SMITH

*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>
444D*	TIMOTHY D. CARR
445D	STEPHEN E. JOHNS
446D	JAMES M. MCGEE
447D	CHRISTOPHER J. LEE
448D**	GREGORY T. FRUM
449D	BRIANNE M. ROBERTS
450D	RONALD M. OCELLO

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Santos, 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. The motion passed (roll call) with Messrs. Bernstein, Knox, Moore, Robbins, Pryor, Santos, and Ms. Gray voting yes. Mr. Okum was absent from the vote.

<u>APPLICATION NO.</u>	<u>NAME</u>
1340B	JOHN S. BARAN
1341B	RICHARD G. MURRIETTA

*Granted SCD – Employer Cannot Accommodate

*Granted SCD Retroactive - Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1342B	CHARLES K. KINNEY
1343B	PATRICK J. ROHALEY
1344B	LEOPOLDO M. IBARRA
1345B	JAMES L. BENCI
1346B	RICHARD R. GONZALES
1347B	TONY M. MORENO
1348B	CHET W. HOPKINS

General Members
Service-Connected Disability Applications

On a motion by Mr. Santos, 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. Bernstein, Moore, Robbins, Knox, Kehoe, Santos, and Ms. Gray voting yes. Mr. Okum was absent from the vote.

<u>APPLICATION NO.</u>	<u>NAME</u>
2193C*	GEORGE E. MATTHEWS
2194C*	TOMAS E. PANTIG

*Granted SCD – Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2195C	GLORIA S. SANCHEZ
2196C*	DEIRDRE P. PIPER
2197C	IROABUCHI R. OKEREKE
2198C	MICHAEL D. CASTEEL
2199C**	DIANNA JONES
2200C	VINCENT F. TERZO
2201C***	DEBORA L. GOODRICH
2202C**	LAURA M. SPADARO
2203C	JACQUELINE D. STRINGER
2204C**	VIRGINIE MACHEMING
2205C****	BRENT W. BAKER
2206C****	JULIO C. GONZALEZ-REYES
2207C***	MERCY A. BAMKEFA
2208C****	GLADYS A. DATSOMOR
2209C	CORINNE S. MAHONEY

*Granted SCD – Salary Supplement Employer Cannot Accommodate

**Granted SCD –Employer Cannot Accommodate

***Granted SCD Retroactive - Employer Cannot Accommodate

****Granted SCD – Retroactive

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2210C	SUSAN N. AGUIRRE
2211C*	MARIE E. SANDOVAL

General Members
Nonservice-Connected Disability Applications

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

<u>APPLICATION NO.</u>	<u>NAME</u>
4402	NGA A. NGO

VI. 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 Silvia Diharce and Ernie Barbosa (Dec'd). (Memo dated April 1, 2021)

Mr. Santos made a motion, Ms. Gray seconded, to approve staff's recommendation. The motion passed (roll call) with Messrs. Knox, Bernstein, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes. Mr. Okum was absent from the vote.

VII. REPORTS

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated April 1, 2021)

Ms. Contreras was present to answer questions from the Board.

VIII. ITEMS FOR STAFF REVIEW

There were no items for Items for Staff Review.

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

Mr. Santos requested that staff entertain the option of starting Committees at 8 a.m. instead of following the Board of Retirement meetings.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

- A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

428B – JOSEPH E. DEMPSEY

This Item was pulled from the Consent Calendar for further discussion.

Mr. Kehoe made a motion, Mr. Santos seconded, to grant a service-connected disability retirement pursuant to Government Code Section 31720 since the employer cannot accommodate. The motion passed (roll call) with Messrs. Knox, Santos, Moore, Kehoe, Bernstein, Ms. Gray voting yes; and Mr. Robbins voting no. Mr. Okum was absent from the vote.

5173B – AZNIV HANESOGHLIAN*

Mr. Bernstein made a motion Mr. Knox seconded, to deny a service-

*Applicant Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5173B – AZNIV HANESOGHLIAN (Continued)

connected disability since the employer can accommodate.

Mr. Kehoe made a substitute motion, Mr. Santos seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Knox, Santos, Moore, Kehoe, Robbins, Bernstein, and Ms. Gray voting yes. Mr. Okum was absent from the vote.

5174B – FRANCINE M. LENARD

Mr. Kehoe made a motion, Ms. Gray seconded, to grant a nonservice-connected disability retirement. The motion passed (roll call) with Messrs. Knox, Santos, Moore, Kehoe, Robbins, Bernstein, and Ms. Gray voting yes. Mr. Okum was absent from the vote.

5175B – AROLY N L. BURNS*

(Mr. Okum joined the meeting at 9:40 a.m.)

(This application was held after 5176B)

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

*Applicant Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5176B – MALEINE M. TEA

Ms. Gray made a motion, to refer back to staff for additional information. The motion failed without a second.

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 refer back to staff for a second opinion. The motion failed (roll call) with Messrs. Knox, Okum, Robbins, Bernstein voting no; and Messrs. Santos, Moore, Kehoe, and Ms. Gray voting yes.

The motion to deny a service-connected disability retirement and find the applicant not permanently incapacitated passed (roll call) with Messrs. Knox, Moore, Okum, Robbins, Bernstein voting yes; and Messrs. Santos, Kehoe, and Ms. Gray voting no.

5177B – MICHAEL J. WEBER

Pulled by staff for further development.

5178B – DACIA A. MARTINEZ

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

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5178B – DACIA A. MARTINEZ (Continued)

Robbins, Bernstein, and Ms. Gray voting yes.

5179B – SILVIA ARZAGA

Mr. Kehoe made a motion, Ms. Gray seconded, to refer back to staff for additional information.

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

The motion to refer back to staff for additional information passed (roll call) with Messrs. Knox, Santos, Moore, Kehoe, Okum, Robbins, Bernstein, and Ms. Gray voting yes.

5180B – RODNEY A. COOPER

Mr. Pryor made a motion, Ms. Gray seconded, to grant a service-connected disability retirement based on the medical advisor's opinion. The motion passed (roll call) with Messrs. Pryor, Knox, Santos, Okum, Bernstein and Ms. Gray voting yes, and Messrs. Moore and Robbins voting no.

Mr. Bernstein made the motion to reconsider, seconded by Mr. Kehoe passed (roll call) with Messrs. Pryor, Knox, Santos, Bernstein, Robbins and

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5180B – RODNEY A. COOPER (Continued)

Ms. Gray voting yes, and Messrs. Moore and Okum voting no.

The makers of the motion amended their motion to grant a retroactive service-connected disability retirement based on the medical advisor's opinion. The motion passed (roll call) with Messrs. Pryor, Knox, Santos, Bernstein and Ms. Gray voting yes; and Messrs. Okum, Moore, and Robbins voting no.

5136B – KATHLEEN AUSTIN

Mr. Santos made a motion, Mr. Robbins seconded, to grant a service-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed (roll call) with Messrs. Knox, Santos, Moore, Okum, Kehoe, Robbins, Bernstein, and Ms. Gray voting yes.

5140B – MICHAEL J. CLAYTON

Mr. Okum made a motion, Ms. Gray seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed (roll call) with Messrs. Knox, Santos, Moore, Robbins, Okum, Bernstein, and Ms. Gray voting yes; and Mr. Kehoe voting no.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5157B – PURISIMA M. VALENCIA

Mr. Okum made a motion, Mr. Knox seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section 31720 since the employer cannot accommodate. The motion passed (roll call) with Messrs. Knox, Santos, Moore, Kehoe, Okum, Robbins, Bernstein, and Ms. Gray voting yes.

2212C – 2020-2KS

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

XI. EXECUTIVE SESSION

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

1. Edward V. Marquez v. LACERA

Los Angeles County Superior Court Case No. BS17211
Second District Court of Appeal Case No. B295673

The Board met in Executive Session pursuant to Paragraph (1) of subdivision (d) of Section 54956.9. There was nothing to report.

April 15, 2021

Page 15

XII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:47 a.m.

Signature on File

GINA ZAPANTA, SECRETARY

Signature on File

ALAN BERNSTEIN, CHAIR