

**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., WEDNESDAY, NOVEMBER 3, 2021

This meeting was conducted by the Board of Retirement by teleconference under California Government Code Section 54953(e).

PRESENT: Alan Bernstein, Chair

Vivian H. Gray, Vice Chair

Gina Zapanta, Secretary (Joined the meeting at 9:31 a.m. and left the meeting at 10:10 a.m.)

JP Harris (Alternate Retired)

Shawn R. Kehoe

Keith Knox

Wayne Moore

Ronald Okum (Left the meeting at 11:46 a.m.)

William Pryor (Alternate Safety)

Les Robbins

Herman Santos

STAFF ADVISORS AND PARTICIPANTS

Santos H. Kreimann, Chief Executive Officer

Luis A. Lugo, Deputy Chief Executive Officer

JJ Popowich, Assistant Executive Officer

Laura Guglielmo, Assistant Executive Officer

STAFF ADVISORS AND PARTICIPANTS (Continued)

Steven P. Rice, Chief Counsel

Jon Grabel, Chief Investment Officer

Dr. Glenn Ehresmann, Medical Advisor

Allan Cochran, Member Services Division Manager

Carlos Barrios, Benefits Division Manager

Ted Granger, Interim Chief Financial Officer

Carly Ntoya, Ph.D., Human Resources Director

Barry W. Lew, Legislative Affairs Officer

Francis J. Boyd, Senior Staff Counsel

Ricki Contreras, Disability Retirement Services Division 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

Vincent Lim, Disability Litigation Manager

Allison E. Barrett, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Jason E. Waller, Senior Staff Counsel

Robert Klausner, Partner

Klausner, Kaufman, Jensen & Levinson

## CALL TO ORDER

The meeting was called to order virtually by Mr. Bernstein at 9:10 a.m.

### I. APPROVAL OF MINUTES

#### A. Approval of the Minutes of the Regular Meeting of October 6, 2021

Mr. Pryor made a motion, Mr. Knox seconded, to approve the minutes of the regular meeting of October 6, 2021. The motion passed (roll call) with Messrs. Santos, Knox, Moore, Okum, Kehoe, Robbins, Bernstein, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

### II. PUBLIC COMMENT

There were no requests from the public to speak.

### III. OTHER COMMUNICATIONS

#### A. For Information

##### 1. September 2021 All Stars

Mr. Popowich announced the winners for the month of September: Tamara Caldwell, Erika Heru, Gerald Bucacao, and Jay Lee. The Rideshare winner was Priscilla Hernandez.

##### 2. Chief Executive Officer's Report (Memo dated October 26, 2021)

Mr. Kreimann congratulated Mr. Santos on being re-elected to the office of the Third Member, Board of Investments and Ms. Gray being re-elected to the office of the Third Member, Board of Retirement. In addition, he provided a brief update regarding negotiation efforts taking place with the union. Furthermore, the Chairs and Vice Chairs

IV. OTHER COMMUNICATIONS (Continued)

2. Chief Executive Officer's Report

will have a discussion for future planning on returning onsite for public meetings. Mr. Lugo provided an update on efforts being done to contract a testing source through Fulgent in order to move forward with the return-to-office plan.

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

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

<u>APPLICATION NO.</u>	<u>NAME</u>
551D	RONALD J. GREENE
552D	RANDOLPH F. MEGRDLE
553D	EDWIN A. ROBERTS
554D*	MARK S. SUTHERLAND
555D	DIANE V. KIRBY-WHITE
556D	JORGE M. SOLIS

\* 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>
557D	MOSES BARRAZA, JR.
558D*	ROBERT S. DE LA GARZA (DEC'D)
559D	CHAD E. BUCKLE
560D*	CORNELL E. WILKINS
561D**	NANCY IWATA
562D*	MICHAEL S. CULVER

Safety Fire, Lifeguards  
Service-Connected Disability Applications

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1408B	RICHARD A. COBBS
1409B	WALTER V. HOVANESIAN
1410B	PHILLIP M. NAJEMNIK
1411B	JEFFREY J. ROBSON

\* Granted SCD – Retroactive

\*\* Granted SCD – 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>
1412B*	EDWARD A. WATSON
1413B	GREGORY M. CLEVELAND
1414B	ROBERT D. MARTINEZ
1415B	DOUGLAS L. GALINDO
1416B	ELBERT D. MILLENDER

General Members  
Service-Connected Disability Applications

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

<u>APPLICATION NO.</u>	<u>NAME</u>
2291C**	ADRIAN L. JACKSON
2292C*	SANDRA Y. NOVA
2293C***	ANTONEISHA L. BROWN

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD – Salary Supplement

\*\*\* Granted SCD – Salary Supplement Since the Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2294C*	JORGE GUERRERO
2295C	KEELA CASTLE
2296C**	JOE DOAN
2297C	ALAN A. ESTELLA
2298C	HELEN MORALES
2299C***	ALICE RIVAS
2300C****	MARIA TERESA BANSON (DEC'D)
2301C**	SATURNINO ROSALES
2302C*****	LUZ B. AQUINO-DENOFRA
2303C**	GRACE M. MONTES
2304C****	GUILLERMO F. NAJAR (DEC'D)

\* Granted SCD – Salary Supplement

\*\* Granted SCD – Employer Cannot Accommodate

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

\*\*\*\* Granted SCD – Survivor Benefit

\*\*\*\*\* Granted SCD – Retroactive

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR  
(Continued)

General Members (Ms. Zapanta joined the meeting at 9:31 a.m.)

Nonservice-Connected Disability Applications

On a motion by Mr. Knox, seconded by Mr. Okum, 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. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, and Ms. Gray voting yes and Ms. Zapanta abstaining.

APPLICATION NO.

NAME

4408\*

SANDRA BRAXTON

VI. CONSENT ITEMS

Mr. Robbins made a motion, Mr. Kehoe seconded, to approve Consent Items A-H. The motion passed (roll call) with Messrs. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, Ms. Zapanta and Ms. Gray voting yes.

A. Recommendation as submitted by Steven P. Rice, Chief Counsel: That the Board approves that, under AB 361 and Government Code Section 54953(e)(3) of the Brown Act, the Board of Retirement consider whether to find that the Governor's COVID-19 State of Emergency continues to directly impact the ability of the Board and its Committees to meet safely in person and that the County of Los Angeles and other agencies still recommend social distancing such that the Board and its Committees shall hold teleconference meetings for the next 30 days, and if so, direct staff to comply with the agenda and public comment requirements of the statute.

(Memo dated October 25, 2021)

B. Ratification of Service Retirement and Survivor Benefit Application Approvals. (Memo dated October 26, 2021)



VI. CONSENT ITEMS (Continued)

- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeals and requests for an administrative hearing for applicant Carlos H. Fernandez and Sheila R. La Bomme. (Memo dated October 21, 2021)
- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice Michael A. Lynd's appeal for a service-connected disability retirement. (Memo dated October 20, 2021)
- E. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice Linda S. Yu Chow's appeal for a service-connected disability retirement. (Memo dated October 21, 2021)
- F. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board authorize a one-year extension of the current contract – 1) With Ackler & Associates and McHugh, Koepke & Associates commencing on January 1, 2022 and ending on December 31, 2022 to provide state legislative advocacy services; and 2) With Williams & Jensen and Doucet Consulting Solutions commencing on February 1, 2022 and ending on January 31, 2023 to provide federal legislative advocacy services. (Memo dated October 8, 2021)
- G. Recommendation as submitted by Shawn Kehoe, Chair, Joint Organizational Governance Committee: That the Board approve the revised Code of Ethical Conduct. (Memo dated October 22, 2021)
- H. Recommendation as submitted by Shawn Kehoe, Chair, Joint Organizational Governance Committee: That the Board approve the revised Media Policy. (Memo dated October 22, 2021)

VII. EXCLUDED FROM CONSENT ITEMS

There were no items excluded from Consent Items.

VIII. NON-CONSENT ITEMS

- A. Recommendation as submitted by William Pryor, Chair, Board of Retirement: Roles and Responsibilities Committee: That the Board review and consider the proposed revised Joint Organizational Governance Committee (JOGC) Charter. (Memo dated October 21, 2021)

Mr. Kehoe made a motion, Mr. Pryor seconded, to 1) refer the proposed revisions to the JOGC Charter suggested by the BOR: Roles and Responsibilities Committee back to the JOGC for a response, and 2) direct staff to create a master index of existing BOR (and BOI) policies, practices, and documents into a single, consolidated resource. The motion passed (roll call) with Messrs. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, Ms. Zapanta and Ms. Gray voting yes.

- B. Recommendation as submitted by Barry W. Lew, Legislative Affairs Officer: That the Board approve the Board Officer Rotation Policy. (Memo dated October 21, 2021)

Mr. Kehoe made a motion, Mr. Santos seconded, to approve staff's recommendation.

Mr. Moore made a substitute motion, Mr. Knox seconded, to approve staff's recommendation with a revision to address the same trustee being the Chair of both Boards. The motion was withdrawn without objection.

The original motion passed (roll call) with Messrs. Santos, Moore, Kehoe, Robbins, Bernstein, Knox, Ms. Zapanta and Ms. Gray voting yes. Mr. Okum did not vote due to a brief absence.

VIII. NON-CONSENT ITEMS (Continued)

- C. Recommendation as submitted by Barry W. Lew, Legislative Affairs Officer: That the Board direct its voting delegate to vote YES on sponsorship by the State Association of County Retirement Systems (SACRS) of an omnibus bill for the SACRS 2022 legislative platform. (Memo dated October 8, 2021)

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

IX. REPORTS

The following items were received and filed.

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated October 20, 2021)
- B. For Information Only as submitted by Ted Granger, Interim Chief Financial Officer, regarding the following reports:  
Monthly Travel and Education Reports for September 2021  
(Public Memo dated October 20, 2021)  
(Confidential Memo dated October 20, 2021 – Includes Anticipated Travel)
- C. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the October 2021 Fiduciary Counsel Contact and Billing Report. (Memo dated October 22, 2021) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)
- D. For Information Only as submitted by JJ Popowich, Assistant Executive Officer, regarding the 2021 Quarterly Reports of Paid Invoices. (Confidential Memo dated October 19, 2021)

X. ITEMS FOR STAFF REVIEW

There was nothing to report.

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

Mr. Santos and Ms. Gray were congratulated on their re-election.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION  
(Ms. Zapanta left the meeting at 10:10 a.m.)

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5211B – MARIO R. BAGUIAO\*

Mr. Okum made a motion, Mr. Robbins seconded, to grant a nonservice-connected disability retirement without prejudice since the employer cannot accommodate pursuant to Government Code Sections 31720 and 31724. The motion passed (roll call) with Messrs. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

5212B – FLOYD D. CROW (DEC'D)

Mr. Okum made a motion, Mr. Knox seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section 31720 . The motion passed (roll call) with Messrs. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

5213B – ANNETTA MCDONALD

This Item was pulled by the applicant.

5214B – LORETTA HARTOUNI

Mr. Okum made a motion, Mr. Knox seconded to deny a service-connected disability retirement. The motion

\* Applicant Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5214B – LORETTA HARTOUNI (Continued)

passed (roll call) with Messrs. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

Mr. Kehoe requested that this application be reconsidered, seconded by Mr. Knox. The motion for reconsideration passed (roll call) with Messrs. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

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

5215B – SUSAN H. WEN

Mr. Okum made a motion, Mr. Knox seconded, to deny a service-connected disability retirement, since the employer can accommodate and find the applicant not permanently incapacitated. The motion passed (roll call) with Messrs. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5216B – LESLIE M. KENYON (Continued)

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

5170B – MARIA L. MORALES

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

5205B – ARAMIS P. ALMAGUER

Mr. Santos 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. Santos, Moore, Okum, Kehoe, Robbins, Bernstein, Knox, and Ms. Gray voting yes. Ms. Zapanta was not present for the vote.

5193B – DREUSHON N. JONES (DEC'D)

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

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5193B – DREUSHON N. JONES (DEC'D) (Continued)

Okum did not vote due to a brief absence. Ms. Zapanta was absent from the vote.

2305C – 1B2021J\*

Mr. Bernstein made a motion, Mr. Okum seconded, to grant a service-connected disability retirement pursuant to Government Code Section 31720.

Mr. Santos made a substitute motion, Ms. Gray seconded, to refer back to staff for further information. The motion failed (roll call) with Messrs. Santos, Moore, and Gray voting yes and Messrs. Okum, Kehoe, Knox, Robbins, and Bernstein voting no. Ms. Zapanta was absent from the vote.

The original motion passed (roll call) with Messrs. Okum, Kehoe, Knox, Robbins, and Bernstein voting yes and Messrs. Santos, Moore and Ms. Gray voting no. Ms. Zapanta was absent from the vote.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Disability Retirement Appeals

APPLICATION NO. & NAME                      BOARD ACTION

DORA D. MILLER (BARRIOS) – Steven R. Rosales for the Applicant  
Eugenia W. Der for the Respondent

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

(Mr. Okum left the meeting at 11:46 a.m.)

CONSUELO VIEYRA – Tamara A. Yeritsyan for the Applicant  
Eugenia W. Der for the Respondent

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

B. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for Arthur Lipper, M.D. c/o Quality Medical Evaluators, Ltd. (Memo dated October 7, 2021)

Mr. Robbins made a motion, Mr. Knox seconded, to approve staff's recommendation. The motion passed (roll call) with Messrs. Santos, Moore, Kehoe,



## XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

### C. Staff Recommendations (Continued)

Robbins, Bernstein, Knox, and Ms. Gray voting yes. Ms. Zapanta and Okum were absent from for the vote.

2. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject the application of Mayra Joseph for processing. (Memo dated October 19, 2021)

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

## XIII. 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 Michele Jordan

The Board met in Executive Session pursuant to Government Code Section 54956.9.

On a motion by Mr. Kehoe, seconded by Mr. Knox, the Board voted to deny the administrative appeal of Michele Jordan and request for a post-retirement rescission.

Messrs. Bernstein, Harris, Kehoe, Knox, Moore, and Santos and Ms. Gray voted yes. Mr. Okum and Ms. Zapanta were absent from the vote.

## XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:22 p.m.

November 3, 2021

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*Signature on File*

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GINA ZAPANTA, SECRETARY

*Signature on File*

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ALAN BERNSTEIN, CHAIR