

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 91101

9:00 A.M., WEDNESDAY, JULY 6, 2022

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

PRESENT: William Pryor (Alternate Safety), Chair

Shawn R. Kehoe, Vice Chair

Alan Bernstein, Secretary

Vivian H. Gray

JP Harris (Alternate Retired)

Keith Knox

Wayne Moore

Les Robbins

Antonio Sanchez

Herman Santos

ABSENT: Gina Zapanta

STAFF ADVISORS AND PARTICIPANTS

Santos H. Kreimann, Chief Executive Officer

Luis A. Lugo, Deputy Chief Executive Officer

Jonathan Grabel, Chief Investments Officer

JJ Popowich, Assistant Executive Officer

STAFF ADVISORS AND PARTICIPANTS (Continued)

Laura Guglielmo, Assistant Executive Officer

Steven P. Rice, Chief Counsel

Dr. Glenn Ehresmann, Medical Advisor

Cassandra Smith, Retiree Healthcare Director

Ted Granger, Interim Chief Financial Officer

Carly Ntoya, Ph.D., Human Resources Director

Carlos Barrios, Interim Benefits Manager

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

Eugenia Der, Senior Staff Counsel

Allison E. Barrett, Senior Staff Counsel

Jason Waller, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Tony Roda, Legislative Advocate
Williams & Jensen, PLLC

Shane Doucet, Legislative Advocate
Doucet Consulting Solutions

I. CALL TO ORDER

The meeting was called to order virtually by Chair Pryor at 9:00 a.m.

II. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of June 1, 2022

Mr. Harris made a motion, Mr. Santos seconded, to approve the minutes of the regular meeting of June 1, 2022. The motion passed (roll call) with Messrs. Santos, Knox, Sanchez, Robbins, Moore, Kehoe, Bernstein, and Ms. Gray voting yes. Ms. Zapanta was absent for the vote.

III. PUBLIC COMMENT

There were no requests from the public to speak.

IV. OTHER COMMUNICATIONS

A. For Information

1. May 2022 All Stars

Mr. Popowich announced the winners for the month of May: Michael Romero, Ching Fong, Diana Luong, Jackson Hsu. The Web Watcher winner was Jonathan Gabel.

IV. OTHER COMMUNICATIONS

2. Chief Executive Officer's Report
(Memo dated June 28, 2022)

Mr. Kreimann provided an update on the Safety Member election. In addition, he shared that the Board of Supervisors approved the Cost of Living Adjustment for represented staff. The second reading for approval for non-represented employees is scheduled for Tuesday, July 12, 2022.

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

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

<u>APPLICATION NO.</u>	<u>NAME</u>
730D*	LUIS A. TREJO
731D	CARLOS A. SUTTON
732D**	THOMAS D. HARRIS
733D	JEFFREY M. STOSIC

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Retroactive

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
734D	DEBORAH D. NAVA
735D*	JOSEPH B. NUNEZ
736D	KURT A. BUXKEMPER
737D*	MARJORY L. JACOBS
738D	CYNTHIA L. SELANDER
739D**	ANDREW L. MYERS (DEC'D)
740D	DAYANARA RAMIREZ
742D	ANGELA R. PIEPER
743D	MARIO CASTRO
744D	GARY B. LEE
745D***	SANDRA A. CAPPS
746D	JAMES D. WILLIAMS
747D	JEFFREY SIROONIAN
748D***	BRIAN S. DUNN
749D	BENJAMIN R. VERDUZCO
750D	JOSIAH A. FABER
751D	JAMES W. MEE

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Survivor Benefit

***Granted SCD - Retroactive

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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. Knox, Santos, Sanchez, Moore, Robbins, Pryor, Bernstein, and Ms. Gray voting yes. Ms. Zapanta was absent for the vote.

<u>APPLICATION NO.</u>	<u>NAME</u>
1485B	ROBERT C. UNDERWOOD
1486B*	RICHARD M. BALIGAD
1487B	SCOTT A. WATSON
1488B	DAVID M. BROOKHYSER
1489B	GORDEN M. BUCHAN
1490B	BRYAN L. KIDDER
1491B	MANUEL V. CONTRERAS
1492B	KURT FREDERICK
1493B	THOMAS M. OVERSTREET
1494B	STEPHEN R. KOLSTAD
1495B**	MICKEY T. SCHAFFER

*Granted SCD – Retroactive

**Granted SCD – Salary Supplement

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1496B	DAREN W. HUGHES
1497B	RICHARD A. FULLERTON
1498B	MARK C. LORICK
1499B	BRIAN T. MORGAN
1500B	DAVID A. BROADWELL

General Members

Service-Connected Disability Applications

On a motion by Mr. Knox, seconded by Mr. Robbins, 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, Santos, Moore, Robbins, Kehoe, Bernstein, and Ms. Gray voting yes. Mr. Sanchez and Ms. Zapanta were absent for the vote.

<u>APPLICATION NO.</u>	<u>NAME</u>
2400C	MICHAEL MATA
2401C	RYAN L. COX
2402C*	LASHONDA D. CHAMBERLAIN
2403C	ELOY TRINIDAD

*Granted SCD – Salary Supplement Since Employer Cannot Accommodate

**Granted SCD – Salary Supplement

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2404C*	DORETTA N. THOMPSON
2405C**	JESUS DENNIS M. MANIAGO (DEC'D)
2406C***	JOANNE M. PELCHER
2407C	KIM A. HOLLAND
2408C*	FRANK AGUINIGA
2409C****	ANGEL G. SMITH
2410C***	MICHELLE D. DUNN
2411C*****	DOMINIQUE D. GOFF

VI. CONSENT ITEMS

Mr. Robbins made a motion, Mr. Bernstein seconded, to approve Consent Items A-F. The motion passed (roll call) with Messrs. Knox, Santos, Moore, Robbins, Kehoe, Bernstein, and Ms. Gray voting yes. Mr. Sanchez and Ms. Zapanta were absent for the vote.

*Granted SCD – Retroactive Since Employer Cannot Accommodate

**Granted SCD – Survivor Benefit

***Granted SCD - Employer Cannot Accommodate

****Granted SCD – Retroactive

*****Granted SCD – Salary Supplement Employer Cannot Accommodate

V. CONSENT ITEMS (Continued)

- A. Recommendation as submitted by Steven P. Rice, Chief Counsel: That, under AB 361 and Government Code Section 54953(e)(3) of the Brown Act, the Board of Retirement and Board of Investments separately consider whether to find that the Governor's COVID-19 State of Emergency continues to directly impact the ability of each 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 each Board and its Committees shall hold teleconference meetings for the next 30 days, subject to continuation of the State of Emergency, and if so, direct staff to comply with the agenda and public comment requirements of the statute. Action taken by each Board will only apply to that Board and its Committees. (Memo dated June 27, 2022)

- B. Ratification of Service Retirement and Survivor Benefit Application Approvals. (Memo dated June 28, 2022)

- C. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt a "Neutral" position on Assembly Bill 2493, which would make adjustments to retirement payments based on disallowed compensation. (Memo dated June 22, 2022)

- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeal and request for an administrative hearing for applicants Michael G. Metal and An L. Ning. (Memo dated June 22, 2022)

- E. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the applications of Stanley J. Majcher, M.D. – Internal Medicine/Gastroenterology; Samuel A. Berkman, M.D. – Internal Medicine/Oncology; Steven N. Brouman, M.D. – Orthopedic/Hand Surgery; Jonathan C. Green, M.D. – Internal Medicine/Occupational Medicine; Robert B. Weber, M.D. – Internal Medicine/Cardiovascular Medicine; and Paul J. Grodan, M.D. - Internal Medicine/Cardiology to the LACERA Panel of Examining Physicians. (Memo dated June 14, 2022)

VI. CONSENT ITEMS (Continued)

- F. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal of Alvin D. Poff, Jr. for a service-connected disability retirement. (Memo dated June 23, 2022)

VII. EXCLUDED FROM CONSENT ITEMS

There were no items excluded from the Consent Items.

VIII. REPORTS

- A. Presentation by Legislative Advocates, Tony Roda from Williams & Jensen, PLLC and Shane Doucet from Doucet Consulting Solutions, regarding the Federal Legislative Update. (Memo dated June 22, 2022)

Messrs. Roda and Doucet provided a presentation and answered questions from the Board. The item was then received and filed.

- B. Presentation by JJ Popowich, Assistant Executive Officer; Kelly Puga, Contact Center Manager; Gerald Bucacao, Sr. Retirement Benefit Specialist; Valerie Quiroz, Sr. Retirement Benefit Specialist; and Renee Copeland, Sr. Retirement Benefit Specialist, regarding Member Services Call Center Wait Time. (Memo dated June 28, 2022)

Staff from Member Services provided a presentation and answered questions from the Board. The item was then received and filed.

- C. For Information Only as submitted by Luis A. Lugo, Deputy Chief Executive Officer, regarding the SEIU Local 850/851 Meeting Held on May 25, 2022. (Memo dated June 29, 2022)

This item was received and filed.

- D. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the Monthly Status Report on Legislation. (Memo dated June 26, 2022)

This item was received and filed.

VIII. REPORTS (Continued)

- E. For Information Only as submitted by Francis J. Boyd, Senior Staff Counsel, regarding LACERA's Procedures for Disability Retirement Hearings Update Presentation for Referees, Applicant Attorneys, and Staff. (Memo dated June 24, 2022)

This item was received and filed.

- F. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated June 22, 2022)

This item was received and filed.

- G. For Information Only as submitted by Ted Granger, Interim Chief Financial Officer, regarding the following reports:

Monthly Trustee Travel and Education Reports for May 2022

(Public memo dated June 22, 2022)

(Confidential memo dated June 22, 2022 – Includes Anticipated Travel)

The Board requested that the staff travel and education report for fiscal yearend be agendized for the August meeting and quarterly thereafter. The item was then received and filed.

- H. For Information Only as submitted by Christine Roseland, Senior Staff Counsel, regarding the Legal Transactions Year End Report. (Memo dated May 31, 2022)

This item was received and filed.

- I. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the June 2022 Fiduciary Counsel Contact and Billing Report. (Memo dated June 27, 2022) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)

This item was received and filed.

VIII. ITEMS FOR STAFF REVIEW

The Board requested that the topic of investment recruitment and all key recruitments be agendized for discussion at the next meeting. In addition, it was requested that the staff travel and education report for fiscal year end be agendized for the August meeting and quarterly thereafter. Lastly, the Board requested updates on the Member Service Call Center wait times.

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

There was nothing to report.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

741D – ANTHONY RIVERA*

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 Sections 31720 since the employer cannot accommodate. The motion passed unanimously (roll call) with Messrs. Knox, Santos, Sanchez, Moore, Kehoe, Bernstein, and Ms. Gray voting yes; and Mr. Robbins voting no. Ms. Zapanta was absent from the vote.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME BOARD ACTION

5259B – FAYE A. QUINTAL-DISCIPULO

Mr. Harris made a motion, Mr. Knox seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously (roll call) with Messrs. Knox, Santos, Sanchez, Moore, Kehoe, Bernstein, Harris, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

5260B – CARLISE L. THOMAS*

Mr. Knox made a motion, Mr. Harris seconded, to grant a nonservice-connected disability retirement without prejudice pursuant to Government Code Section 31720. The motion passed unanimously (roll call) with Messrs. Knox, Santos, Sanchez, Moore, Kehoe, Bernstein, Harris, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

5261B – IRIS A. CASTELLANOS**

Mr. Harris made a motion, Mr. Bernstein seconded, to deny a service-connected disability retirement without prejudice.

The makers of the motion amended their motion to grant a service-connected disability retirement with a two-year review based on the medical advisor's opinion. The motion passed unanimously (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Bernstein, Harris, and

*Applicant Present

**Applicant Attorney Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME BOARD ACTION

5261B – IRIS A. CASTELLANOS (Continued)

Ms. Gray voting yes; and Mr. Knox voting no. Ms. Zapanta was absent from the vote.

5104B – SARAH C. GILLIS*

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

678D – JANA T. MILLER

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

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Staff Recommendations (Continued)

Mr. Bernstein made a motion, Mr. Knox seconded, to approve staff's recommendation for Items X. B. 1 and X. B. 2.

Mr. Santos made a substitute motion, Mr. Kehoe seconded, to refer back to staff items X.B.1. and X.B.2. for additional information. The motion passed unanimously (roll call) with Messrs. Knox, Moore, Santos, Sanchez, Robbins, Kehoe, Bernstein, and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

1. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel, Disability Litigation Division: Pursuant to Government Code section 31533, it is recommended that the Board refer the matter to a LACERA Referee to weigh the evidence on the limited issue of (1) whether Gerard R. Smith can prove he was permanently incapacitated prior to the earliest date of commission of the felony for which he was convicted, August 18, 2011, and therefore eligible for disability retirement benefits; or, (2) whether he was permanently incapacitated after August 18, 2011, and therefore not entitled to disability retirement benefits, in accordance with the felony forfeiture statute, Government Code section 7522.72. (Memo dated June 9, 2022)
2. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel, Disability Litigation Division: Pursuant to Government Code section 31533, it is recommended that the Board refer the matter to a LACERA Referee to weigh the evidence on the limited issue of: (1) whether Stephen E. Leavins can prove he was permanently incapacitated prior to the earliest date of commission of the felony for which he was convicted, August 18, 2011, and therefore eligible for disability retirement benefits; or (2) whether he was permanently incapacitated after August 18, 2011, and therefore not entitled to disability retirement benefits, in

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Staff Recommendations (Continued)

accordance with the felony forfeiture statute, Government Code section 7522.72. (Memo dated June 9, 2022)

3. Recommendation as submitted by Ricki Contreras Division Manager, Disability Retirement Services: That the Board adopt the Proposed Findings of Fact and Conclusions of Law granting Cynthia A. Campbell a service-connected disability retirement pursuant to Government Code Section 31720. (Memo dated June 23, 2022)

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

4. Recommendation as submitted by Ricki Contreras Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for Referee Irene P. Ayala. (Memo dated June 21, 2022)

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

XII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:51 a.m.

Signature on File

ALAN BERNSTEIN, SECRETARY

Signature on File

WILLIAM PRYOR, CHAIR