

MINUTES OF THE POLICE PENSION BOARD MEETING ON JUNE 1, 2011

Chairman Smith called the Police Pension Board Meeting to order at 2:40 p.m. There was a quorum.

Members Present

J. Smith Chairman
R. Thames, Vice-Chair
W. Long, Secretary
T. Blanca, Trustee (absent)
L. Botts, Trustee

Others Present

C. McCullion, Executive Director
S. Kaufman, Board Attorney
S. Hetz; Police Department Advocate
R. Brown, Attorney for B. Licciardello
K. Zuccarini, Employment benefits
R. Burlon, Pension Coordinator
S. Malvin, Esq. Klausner & Kaufman

DISABILITY HEARING OF THADDEUS JONES

Chairman Smith advised that this was the time set for the Disability Hearing of Thaddeus Jones. The disability notebook, IME, and all supplemental medical documents were submitted into evidence. Shannon Hetz represented the Department. R. Brown represented the applicant who was not present but nearby. Due to costs involved with witnesses, S. Hetz asked to call her first witness Dr. Danziger. R. Brown objected to this witness since he and the applicant weren't notified and asked that the Board not accept his testimony. Chairman Smith announced that he would not allow testimony and asked for a motion by trustees. **A MOTION TO ALLOW DR. DANIZER TO GIVE HIS TESTIMONY WHICH IS A DIFFERENT OPINION ON THIS CASE**, was made by L. Botts and seconded by W. Long, roll call was taken by Pension Coordinator with T. Blanca, L. Botts and W. Long in favor and R. Thames and J. Smith opposing; **MOTION CARRIED 3-1.**

R. Brown asked about all the medical documents being considered hearsay and that is why he has two witnesses to testify, Linda Hill from Florida Hospital/Centracare and Geraldine Wilkerson, from Orlando's Human Resources Department. S. Kaufman stated there is no hearsay objection and S. Hetz agreed. Witnesses were dismissed.

R. Brown waived opening statements as did S. Hetz

Chairman Smith called the first witness Dr. Irving Kolin who completed the Board's Independent Medical Examination. Dr. Kolin was sworn in. Dr. Kolin testified and answered questions of R. Brown and trustees. S. Hetz asked questions of the witness.

R. Brown called his witness David Miller, Mental Health Counselor of Transition Therapy Services where T. Jones has attended sessions. D. Miller was sworn in. D. Miller stated that T. Jones has attended over fifty sessions and now attends a session every other week since he doesn't have a vehicle. Questions were asked of D. Miller.

S. Hetz called her witness Dr. Jeffrey Danziger. Dr. Danizer was sworn in. Dr. Danziger testified and questions were asked by R. Brown, S. Hetz and trustees.

T. Jones arrived at the hearing.

Chairman Smith advised that the evidence phase was now closed. R. Brown gave a closing statement. S. Hetz gave her closing statement. Chairman Smith announced that we would now go into the determination phase of the hearing.

A MOTION THAT THIS IS A PERMANENT DISABILITY IN ACCORDANCE WITH THE PLAN AND STATE STATUTE was made by R. Thames and seconded by J. Smith. **A MOTION TO AMEND THE PREVIOUS MOTION** was made by R. Thames and seconded by J. Smith; **MOTION CARRIED**. **A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY IN ACCORDANCE WITH THE PLAN AND STATE STATUTE** was made by R. Thames and seconded by J. Smith; **MOTION CARRIED**.

A MOTION THAT THIS IS A LINE OF DUTY DISABILITY was made by R. Thames and seconded by J. Smith; **MOTION CARRIED**, W. Long opposed.

Chairman Smith asked S. Hetz if there is a Permanent Light Duty Position available without a reduction in pay or benefits. S. Hetz advised there is no position for T. Jones.

A MOTION THAT THERE IS NO PERMANENT LIGHT DUTY POSITION AVAILABLE WITHOUT A REDUCTION IN PAY OR BENEFITS AND THAT THE DISABILITY PENSION WILL BEGIN ON JULY 1, 2011, was made by J. Smith and seconded by R. Brown; **MOTION CARRIED**. W. Long opposed.

2. **APPROVAL OF MINUTES OF MAY 12, 2011**

A MOTION TO APPROVE THE MINUTES OF MAY 12, 2011 AS PRESENTED was made by R. Thames and seconded by L. Botts; **MOTION CARRIED UNANIMOUSLY**.

3. **CONSENT AGENDA**

<u>Employee</u>	<u>Date of Retirement</u>
David Vernon #5271 \$4,355.34 Monthly	May 1, 2011
Gary Wilkins #2592 \$3,951.28 Monthly	May 1, 2011

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED was made by J. Smith and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY**.

4. **PENDING**

a. **STATUS OF DISABILITY APPLICANTS**

APPLICANT	DATE OF APPLICATION	BOOK & CD SUBMITTED	IME APPT	IME RECEIVED	HEARING OR OTHER INFO
Kenneth Dier	4/28/11	5/3/11			
William Gipson Subsequent Disability App	6/28/07	6/28/07	2/10/09	3/12/09 AND 2/23/11	4/13/09 R. Cohen hired. Retired on 7/1/10. Waiting on R. Cohen to advise when hearing should be scheduled. Additional evidence has been received from R. Brown. New IME with Dr. Kolin on 2/2/11. Books and/or all supp medical distributed to Trustees 3/10/11... R. Brown scheduled deposition of applicant with R. Cohen on May 24, 2011. R. Brown not available on July 20, 2011. R. Cohen furnished transcript to PC on June 15, 2011. Hearing to be scheduled for August 11, 2011?
Audrey H. White	10/22/09	3/29/10	6/24/10	7/28/10	Resigned 3/1/10. Deposition to be done by R. Brown of IME Dr. Wertz on 11/5/2010. Deposition of Dr. Bernard, workers comp doctor by R. Brown on 5/2/11. Transcript furnished by Department Advocate on 5/31/11.

b. **AMY BRETCHES FORFEITURE**

S. Kaufman gave an update on the forfeiture of Amy Bretches' disability pension. His office sent a letter on May 31, 2011 to Amy Bretches stating that since her attorney has resigned she must advise the board by June 17, 2011 how she wants to proceed. Will she be retaining new counsel; will she be representing herself or is she no longer contesting the forfeiture of her pension benefits? We will review her response at the next meeting.

There being no further business the Meeting adjourned at 5:50 p.m.

Respectfully submitted;

Rochelle Burlon

Rochelle (Shelly) Burlon
Pension Coordinator