

Chairman J. Smith called the Orlando Police Pension Board Meeting to order on August 22, 2007 at 8:30 a.m., Overlook Conference Room, 9th floor, City Hall at 400 S. Orange Avenue, Orlando, Florida. A quorum was present.

**Member(s) Present:**

J. Smith, Chairman  
L. Singletary, Trustee  
V. Montgomery, Secretary  
K. Edmonds, Trustee

**Member(s) Absent:**

R. Sutton, Vice-Chair

**Also Present:**

D. R. Jones, Executive Director  
K. Laudeman, Dep. Exec. Director  
R. Burlon, Pension Coordinator  
K. Laskoff, Department Advocate  
K. Zuccarini, Employee Benefits  
N. Permaul, Department Advocate  
L. Freeman, , Department Advocate  
R. Klausner, Board Attorney  
J. Ingoglia, Disability Applicant  
D. Ford, Disability Applicant  
A. Brown, Jr. Attorney for J. Ingoglia  
A. Brown, Jr., Attorney for D. Ford  
J. Morton, Barbara Perry Court Reporters

1. **CONTINUATION OF DISABILITY HEARING FOR JESSICA INGOGLIA**

Chairman Smith advised that this was the time set for the continuation of the Disability Hearing of Jessica Ingoglia. Arthur R. Brown, represented the applicant and Kimberly Laskoff, represented the Orlando Police Department. Chairman Smith asked both attorneys to give closing statements. R. Klausner gave his legal opinion. J. Ingoglia made a statement

**A MOTION THAT BASED UPON THE EVIDENCE PROVIDED THAT THERE IS A PRE-EXISTING CONDITION THAT HAD A CAUSAL RELATIONSHIP TO THE DISABILITY CLAIMED** was made by V. Montgomery and seconded by L. Singletary. Discussion ensued. L. Singletary withdrew his second. There being no second to the Motion, it was withdrawn.

**A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED THAT THE DISABILITY CLAIMED WAS NOT DUE TO A PRE-EXISTING CONDITION** was made J. Smith. There being no second to the Motion, it was withdrawn.

Discussion ensued. **A MOTION TO GO BACK TO THE IME PHYSICIAN AND HAVE HIM ANSWER WHETHER THE INJURY CLAIMED WAS DUE TO THE PRE-EXISTING CONDITION OR IF THE DISABILITY INJURY WOULD HAVE OCCURRED EVEN WITHOUT A PRE-EXISTING CONDITION** was made by L. Singletary and seconded by K. Edmonds; V. Montgomery opposed; **MOTION CARRIED.**

A. Brown stated that he would like to take a deposition of the physician and both attorneys would attend. **A MOTION TO HAVE A DEPOSITION TAKEN OF THE IME PHYSICIAN AND THE BOARD WILL PAY THE COSTS INVOLVED** was made by L. Singletary and seconded by K. Edmonds; **MOTION CARRIED UNANIMOUSLY.**

Chairman Smith asked Captain Thames to please relay to the Chief of Police what occurred today so Ms. Ingoglia can stay employed until this is resolved.

2. **DISABILITY HEARING OF DEMETRIUS FORD**

Chairman Smith advised that this was the time set for the Disability Hearing of Demetrius Ford. Arthur Brown, represented the applicant and Lee Freeman, represented the Orlando Police Department. A. Brown advised that the procedures didn't need to be reviewed. Demetrius Ford was sworn in. The notebook, IME, deposition and supplemental material submitted were accepted into evidence. Both attorneys waived opening statements. Chairman Smith asked if there were any objections to there being four trustees for the hearing. There were no objections. A. Brown presented his case and D. Ford testified. There were no questions of the applicant. A. Brown gave his closing statement. L. Freeman gave her closing statement. Chairman Smith advised that the evidence phase was now closed.

**A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED THAT THERE IS A PERMANENT AND TOTAL DISABILITY, AS DEFINED BY THE POLICE PENSION PLAN,** was made by K. Edmonds and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT BASED UPON THE EVIDENCE PROVIDED THAT NO PRE-EXISTING CONDITION HAD A CAUSAL RELATIONSHIP TO THE DISABILITY CLAIMED** was made by K. Edmonds and seconded by J. Smith; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED THAT THE DISABILITY INJURY INCURRED WAS A LINE OF DUTY DISABILITY** was made by V. Montgomery and seconded by K. Edmonds; **MOTION CARRIED UNANIMOUSLY.**

Chairman Smith asked if the Police Chief had a light duty position available without any reduction in pay or benefits. L. Freeman advised that Chief McCoy does not have a light duty position available in the Police Department.

**A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED OF THE EXISTENCE OF A PERMANENT AND TOTAL DISABILITY THAT THE LINE OF DUTY DISABILITY BENEFITS COMMENCE ON SEPTEMBER 1, 2007** was made by K. Edmonds and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

3. **MINUTES**

**A MOTION TO APPROVE THE MINUTES OF JULY 11 AND AUGUST 8, 2007** was made by L. Singletary and seconded by V. Montgomery; **MOTION CARRIED UNANIMOUSLY.**

4 **PENDING**

a. **STATUS OF DISABILITY APPLICATIONS**

**Thomas Amesbury** IME was scheduled for August 6, 2007.

**Travis Michael Cimini** Notebooks were due on June 23, 2007 .Notebooks should be received by the end of the month.

**Luana Folse** Hearing to be scheduled for September 24, 2007.

**Will Gipson** Case #1 Denied. Petition for Writ of Certiorari filed and we are waiting for a Rule to Show Cause from the Circuit Court to respond.

**Will Gipson** Case #2 Second subsequent disability. Notebooks received today. On hold until first case has been finalized.

**Nathaniel Harris** Application filed on August 15, 2007.

**David Mixon** Hearing to be scheduled for September 24, 2007

b. **TRAVEL POLICY**

On hold.

c. **BARROW, HANLEY, MEWHINNEY & STRAUSS**

R. Klausner said the contract was reviewed and amended. They have sent it to Barrow, Hanley, Mewhinny & Strauss for signatures. .

6. **NEW/GENERAL APPEARANCE/OTHER BUSINESS**

a. **IME QUESTIONS**

Chairman Smith asked R. Klausner to please review the questions that we send to all Independent Medical examiners to answer regarding disability applicants. He will review and help clarify the questions so they can be answered easier and clearer by the physicians. We are especially concerned regarding the wording of the pre-existing conditions and want them to be able to be specific regarding whether or not the pre-existing condition contributed to this injury or if it had nothing to do with it.

b. **FIDUCIARY INSURANCE**

D. Jones advised the Board that we are looking into getting quotes on fiduciary insurance. However, so far it seems to be very expensive. R. Klausner stated that according to Florida Statutes we all have sovereign immunity. This also refers to L. Singletary who is not a City employee but is a trustee of the plan.

Meeting adjourned at 12:10 p.m.

Respectfully submitted,

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Rochelle L. Burlon  
Pension Coordinator