

Chairman J. Smith called the Orlando Police Pension Board Meeting to order on September 24, 2007 at 8:50 a.m., Agenda Conference Room, 2nd floor, City Hall at 400 S. Orange Avenue, Orlando, Florida. A quorum was present.

Member(s) Present:

J. Smith, Chairman
R. Sutton, Vice-Chair
V. Montgomery, Secretary
K. Edmonds, Trustee
L. Singletary, Trustee

Also Present:

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

1. **DISABILITY HEARING FOR LUANA FOLSE**

Chairman Smith advised that this was the time set for the Disability Hearing of Luana Folse. Arthur R. Brown, represented the applicant and Kimberly Laskoff, represented the Orlando Police Department. Chairman Smith asked both attorneys to give their opening statements. K. Laskoff waived her opening statement. R. Sicking gave his opening statement. L. Folse was sworn in and testified. R. Sicking and K. Laskoff gave their closing statements. There were no questions of the applicant. 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 L. Singletary and seconded by K. Edmonds; **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 R. Sutton and seconded by J. Smith; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED AND THE HEART AND LUNG PRESUMPTION, THE DISABILITY INJURY INCURRED WAS A LINE OF DUTY DISABILITY was made by V. Montgomery and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

Chairman Smith asked if the Police Chief had a light duty position available without any reduction in pay or benefits. K. Laskoff 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 OCTOBER 1, 2007 was made by V. Montgomery and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

2. **DISABILITY HEARING FOR DAVID MIXON**

Chairman Smith advised that this was the time set for the Disability Hearing of David Mixon. 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. D. Mixon was sworn in. The notebook, IME, deposition and supplemental material submitted were accepted into evidence. Both attorneys waived opening statements. D. Mixon testified. L. Freeman asked questions of the applicant. A. Brown gave his closing statement as did L. Freeman. Chairman Smith advised that the evidence phase was now closed. The board took a ten minute break.

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 THERE IS A PRE-EXISTING CONDITION THAT HAD A CAUSAL RELATIONSHIP TO THE DISABILITY CLAIMED was made by J. Smith and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.** Pension denied.

3. **MINUTES**

A MOTION TO APPROVE THE MINUTES OF AUGUST 22, 2007 was made by V. Montgomery and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

4. **CONSENT AGENDA**

Retirement Date

Demetrius Ford
\$3817.64 Monthly

September 1, 2007

Jay D. Mack
\$3,692.02 Monthly

September 1, 2007

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED was made by L. Singletary and seconded by K. Edmonds; **MOTION CARRIED UNANIMOUSLY.**

5. **PENDING**

a. **STATUS OF DISABILITY APPLICATIONS**

Thomas Amesbury

Hearing will be scheduled for October.

Travis Michael Cimini

Notebooks received on September 14, 2007.

Russell Emerson

IME report received on September 17, 2007. Dr. Zahrawi suggested that the MRI is over a year old and would prefer to have a more recent MRI. **A MOTION TO AUTHORIZE A NEW MRI TO BE DONE AS SOON AS POSSIBLE, AND HAVE DR. ZAHRAWI COMPARE BOTH MRI'S AND PREPARE AN AMENDED REPORT;** was made by L. Singletary and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

Discussion ensued regarding the payment of the MRI being shared with the Union; however, FOP President S. Hoffman was not in the room. Chairman Smith and R. Brown said they will discuss with the union sharing the cost of the MRI with the Pension Board.

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 subsequent disability. On hold until first case has been finalized.

Nathaniel Harris Application filed on August 15, 2007.

Suzann Woidyla Application Filed on August 22, 2007.

b. **TRAVEL POLICY**

On hold.

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

a. **99-1 MINIMUM BENEFITS**

Discussion ensued regarding the memorandum the FOP wants to send out to members regarding adding the pre-existing condition benefit. Chairman Smith advised that a formal survey was done in 2005-2006 and a new survey will have to be done by the members before enactment. **A MOTION TO HAVE R. KLAUSNER PREPARE A DRAFT OF A SURVEY AND EXPLANATION OF THE MINIMUM BENEFITS FOR THE OCTOBER MEETING** was made by J. Smith and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned at 11:30 a.m.

Respectfully submitted,

Rochelle L. Burlon

Rochelle L. Burlon
Pension Coordinator