

MINUTES OF THE POLICE PENSION BOARD MEETING ON JANUARY 3, 2011

Chairman Smith called the Police Pension Board Meeting to order at 9:14 a. m. There was a quorum.

Members Present

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

Others Present

K. Laudeman, Deputy Executive Director
S. Kaufman, Board Attorney
S. Hetz, Police Department Advocate
R. Burlon, Pension Coordinator
R. Brown, Attorney for D. Braddy
D. Braddy, Disability Applicant

1 REOPENING OF EVIDENCE PORTION FOR DISABILITY HEARING OF DARREN BRADDY

At the last meeting S. Hetz submitted transcripts of a phone call by Dr. Zahrawi and Dr. Thames. Chairman Smith asked if she wants this added into evidence. S. Hetz said yes. R. Brown opposed since the conversation was double hearsay and didn't think the phone conversation should be submitted into evidence. S. Hetz disagreed. S. Kaufman advised that Dr. Thames letter is hearsay and should not be included into evidence but the transcript is not hearsay and can be entered into evidence.

A MOTION TO NOT ACCEPT THE LETTER FROM DR. THAMES INTO EVIDENCE was made by J. Smith and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

A MOTION TO ACCEPT THE TRANSCRIPT OF THE TELECONFERENCE WITH DR. ZAHRAWI, DR. THAMES and MRS. HETZ INTO EVIDENCE, was made by T. Blanca and seconded by L. Botts; J. Smith opposed; **MOTION CARRIED 4 TO 1.**

D. Braddy was sworn in by S. Burlon and testified. S. Hetz cross-examined. J. Smith asked questions of the applicant. Evidence portion of the case was closed.

R. Brown gave his closing statement. S. Hetz gave her closing statement and stated that the Chief might be able to accommodate D. Braddy by allowing him to work at home.

A MOTION THAT THIS IS A TOTAL AND PERMANENT DISABILITY was made by J. Smith, seconded by T. Blanca; L. Botts asked for a clarification of a total and permanent disability as a police officer versus a total and permanent disability as it pertains to a permanent light duty position without a reduction in pay or benefits. Discussion ensued. T. Blanca withdrew his second on the Motion. J. Smith reworded his motion: **A MOTION THAT THIS IS A TOTAL AND PERMANENT DISABILITY AS A POLICE OFFICER AND FOR A**

NON-RESTRICTED LIMITED DUTY PERMANENT POSITION. No second on the Motion; Motion withdrawn.

A MOTION THAT THIS IS NOT A TOTAL AND PERMANENT DISABILITY SINCE HE CAN DO THE PERMANENT LIGHT DUTY POSITION WITHOUT A REDUCTION IN PAY OR BENEFITS was made by R. Thames and seconded by L. Botts; J. Smith opposed; **MOTION CARRIED 4 TO 1.**

S. Kaufman will prepare a Final Order Denying the Disability Pension.

2. APPROVAL OF MINUTES

A MOTION TO APPROVE THE MINUTES OF DECEMBER 9 AND DECEMBER 17, 2010 was made by R. Thames and seconded by W. Long; **MOTION CARRIED UNANIMOUSLY.**

3. CONSENT AGENDA

<u>Employee</u>	<u>Date of Retirement</u>
Thomas McQuade #3405 \$4,410.21 monthly	December 1, 2010

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

4. a. STATUS OF DISABILITY APPLICANTS

APPLICANT	DATE OF APPLICATION	BOOK & CD SUBMITTED	IME APPT	IME RECEIVED	Injury	HEARING OR OTHER INFO
Kimberly Brewster	4/27/09	9/22/09	11/10/09	12/09/09	7/21/07	Hearing held on 5/21/10. Permanent Light duty position given. Evidence portion to be reopened as of 7/28/10. Supp IME ordered on 8/10 by Board. Received 9/15/10-Attached. Notarized response from Dr. Werzt received on 11/23/10. Hearing to be scheduled for 2/10/11.
William Gipson, Original Injury					Back, neck and foot	Hearing held on 6/20/07 and Disability Denied. Petition for Writ of Certiorari filed on 9/14/07. Denied by Circuit Court on 12/1/2008.
William Gipson Subsequent Disability App	6/28/07	6/28/07	2/10/09	3/12/09	Psychological	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.
Thaddeus Jones	12/27/10				1991 Clinical Depression and PTSD-In LOD and Personal	12/28/10 L. Freeman requested copy of application. PC forwarded to L. Freeman, S. Hetz and N. Williams.
Brett Licciardello	10/26/09	1/21/10	2/16/10	3/11/10	5/5/09	Letter from Chief sent 3/11/10 regarding permanent light duty position. Supp IME ordered by Board on 8/10/10. Board received on 9/15/10. 11/23/10 Notarized IME received and forwarded to Boards. 1/3/11 Chairman advised to schedule his

						Disability Hearing on 3/10/11.
Gary Wilkins	10/14/09	11/24/09	1/12/10	2/4/10	9/3/08	Light duty position offered by Chief on 3/11/10. Hearing held on 8/10/10. Additional Supp IME ordered on 8/10/10. Received on 9/15/10. 11/23/10 Notarized response from Dr. Wertz received. 12/6/10 Supplemental medical records filed by R. Brown advising that transportation is needed to and from work. Supp docs given to trustees on 12/9/10. 1/3/11 Chairman advised that Disability Hearing should be scheduled for 2/10/11.
Audrey H. White	10/22/09	3/29/10	6/24/10	7/28/10	11/06/08	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 to be taken by R. Brown on 2/14/11.

b. FORFEITURE OF RETIREMENT BENEFITS OF AMY BRETCHES

S. Kaufman advised the Board at the last meeting that on December 6, 2010 A. Bretches dismissed the appeal of her criminal conviction. He sent her a letter on December 23, 2010 by certified and regular U.S. Mail asking if she will still be contesting the forfeiture of her pension. She must respond to the Board by no later than January 21, 2011.

5. NEW BUSINESS/GENERAL APPEARANCE

Chairman Smith advised that Dr. Thames shouldn't be included in any telephone conferences or respond in writing to any Assistant City Attorney or any attorney without a written subpoena signed by him. Dr. Thames is to select the independent medical physician, upon completion of the IME report he is to review it, make sure that all questions have been answered, and that is all unless the Board of Trustees requests something additional through Staff. Staff will contact Centracare and advise them of this.

S. Kaufman said he will work on preparing with the Chairman a new questionnaire to be given to IME doctors so supplemental IMEs will not have to be done in the future.

There being no further business, the meeting adjourned at 10:50 a.m.

Respectfully submitted,

Rochelle L. Burlon

Rochelle (Shelly) L. Burlon
Pension Coordinator