

5. **PENDING**

a. **STATUS OF DISABILITY APPLICATIONS**

S. Burlon advised that Juan McDermott and Michael Sebag will have their disability hearings on November 12, 2008. We have also scheduled an additional meeting and will have Doanh Nguyen's hearing at 1pm on October 22nd.

Dean Mazzoli is scheduled for his IME appointment on October 14.

UPDATE-APPEALS

S. Kaufman reported that they have not received any response from the Circuit Court on either appeal for William Gipson or David Mixon.

2. **DISABILITY HEARING FOR ANTHONY MILLER**

Chairman Smith advised that this was the time set for the Disability Hearing of Anthony Miller. Randy 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. Brown waived his opening statement. A. Miller was sworn in but didn't testify. Chairman Smith advised that the evidence phase was now closed. R. Brown gave his closing statement. K. Laskoff waived her closing statement.

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 R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT BASED UPON THE EVIDENCE PROVIDED THAT NO PRE-EXISTING CONDITION HAD A CAUSAL RELATIONSHIP TO THE DIABILITY CLAIMED was made by V. Montgomery and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED THE DISABILITY INJURY INCURRED WAS A LINE OF DUTY DISABILITY was made by J. Smith and seconded by R. Sutton; **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 Demings 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 NOVEMBER 1, 2008 was made by J. Smith and seconded by V. Montgomery; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

DISABILITY HEARING FOR DANIEL NESSIM

Chairman Smith advised that this was the time set for the Disability Hearing of Daniel Nessim. Randy Brown represented the applicant. Kim Laskoff represented the Orlando Police Department. Chairman Smith asked both attorneys to give their opening statements. R. Brown waived his opening statement. K. Laskoff waived her opening statement. D. Nessim was sworn in but didn't testify. Chairman Smith advised that the evidence phase was now closed. R. Brown gave his closing statement. K. Laskoff waived her closing statement.

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 J. Smith and 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 V. Montgomery and seconded by J. Smith; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED THE DISABILITY INJURY INCURRED WAS A LINE OF DUTY DISABILITY was made by R. Sutton and seconded by V. Montgomery; **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 Demings 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 NOVEMBER 1, 2008 was made by J. Smith and seconded by V. Montgomery; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

DISABILITY HEARING FOR SCOTT LONGANECKER

Chairman Smith advised that this was the time set for the Disability Hearing of Scott Longanecker... Randy Brown, represented the applicant and Shannon Hetz, represented the Orlando Police Department. Chairman Smith asked both attorneys to give their opening statements. S. Hetz waived her opening statement. R. Brown waived his opening statement. S. Longanecker was sworn and testified. Chairman Smith advised that the evidence phase was now closed. R. Brown gave his closing statement. S. Hetz made a closing statement. L. Singletary asked a question and discussion ensued.

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 V. Montgomery 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 DIABILITY CLAIMED was made by R. Sutton and seconded by J. Smith; **MOTION CARRIED UNANIMOUSLY.**

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

Chairman Smith asked if the Police Chief had a light duty position available without any reduction in pay or benefits. S. Hetz advised that Chief Demings 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 NOVEMBER 1, 2008 was made by J. Smith and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

S. Hetz and R. Brown advised that Dr. Goll was very rude and condescending during his deposition and they would appreciate the Board not using him for IME's in the future.

The Board took a ten minute break.

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

a. **FIREARMS AT DISABILITY HEARINGS**

L. Singletary advised that applicant Scott Longanecker had a hand gun in his front pocket which is against the Board's policy. He was questioned by Officer Williams and denied same.

A MOTION THAT ALL APPLICANTS AND ANYONE ACCOMPANYING HIM OR HER ARE NOT PERMITTED TOBRING A FIREARM INTO THE HEARING AND THAT THEY WILL BE REQUIRED TO PASS THROUGH THE METAL DETECTOR ON THE GROUND FLOOR OF CITY HALL UNDER THE SUPERVISION OF A MEMBER OF THE BOARD. ADDITIONALLY, APPLICANTS AND ANYONE ACCOMPANYING HIM OR HER MAY BE PATTED DOWN BY AN ORLANDO POLICE OFFICER UPON ENTRY INTO THE BOARD CONFERENCE ROOM. IF A WEAPON IS FOUND, THE HEARING WILL BE SUSPENDED AND RESCHEDULED FOR A LATER DATE was made by J. Smith and seconded by V. Montgomery; **MOTION CARRIED UNANIMOUSLY.**

b. **PROCEDURAL CHANGES FOR DISABILITY HEARINGS**

Chairman Smith made some suggestions regarding the prosecutorial position of the department advocates. Applicants and advocates undergo a lot of stress since they have to interact over at the Police Department until the hearing is set and if denied, thereafter. Discussion ensued. The Board made some suggestions that they would like to receive the notebooks after the IME report is completed to determine at their next meeting if they have any questions or concerns. If they have no concerns, the disability will be scheduled. If they have questions or concerns they will use an outside legal counsel, to be hired as a Board Advocate. The department advocate will be required to advise the Board in writing through the Pension Coordinator if they have any questions or concerns or if it is not being contested. However, they no longer will be required to represent the department at the hearings. We will also require a letter or email in writing through the Pension Coordinator from the Chief of Police advising that there is no limited duty position with any reduction in the rate of pay for the applicant.

R. Sutton will confirm with management that this can be done before a policy is enacted at the next meeting.

5. **PENDING CONTINUED**

b. **ELECTION OF 5TH MEMBER AND OFFICERS FOR OCTOBER 1, 2008 – SEPTEMBER 30, 2010 TERM**

MOTION TO REAPPOINT LEON SINGLETARY AS THE 5TH MEMBER OF THE PENSION BOARD was made by J. Smith and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

L. Singletary stated that he will be resigning at the end of this term.

A MOTION TO RETAIN THE SAME OFFICERS FOR THE NEW TERM AS THE PAST TERM OF: J. SMITH, CHAIR; R. SUTTON AS VICE CHAIR; V. MONTGOMERY AS SECRETARY was made by L. Singletary and seconded by J. Smith; **MOTION CARRIED UNANIMOUSLY.**

c. **DISABILITY RETIREE ANNUAL REPORTING**

S. Burlon gave an update on the annual disability retiree forms received from Line of Duty and Non-Line of Duty retirees. Two retirees have not responded to two letters. Board advised to send one more letter and

suspend vi

Meeting adjourned at 2:30 p.m.

Respectfully submitted,

Rochelle L. Barlow

Pension Coordinator