

Chairman J. Smith called the Orlando Police Pension Board Meeting to order on Wednesday, November 12, 2008 at 9:20 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
V. Montgomery, Secretary
L. Singletary, Trustee
R. Sutton, Vice-Chair
A. Blanca, Trustee

Also Present:

C. McCullion, Executive Director
R. Brown, Attorney for FOP
L. Freeman, Department Advocate
S. Kaufman, Board Attorney (via telephone)
S. Hoffman, FOP
K. Laudeman, Deputy Executive Director
M. Sebag, Disability Applicant
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S. Burlon, Pension Coordinator

1. **DISABILITY HEARING FOR JUAN MCDERMOTT**

Chairman Smith advised that this was the time set for the Disability Hearing of Juan McDermott. Randy Brown, represented the applicant and Lee Ann Freeman, represented the Orlando Police Department. Chairman Smith asked both attorneys to give their opening statements. L. Freeman waived her opening statement. R. Brown waived his opening statement. Chairman Smith advised that the evidence phase was now closed. R. Brown gave his closing statement. L. Freeman 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 A. Blanca 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 DIABILITY CLAIMED was made by R. Sutton and seconded by V. Montgomery; 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 L. Singletary 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. L. Freeman 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 DECEMBER 1, 2008 was made by J. Smith and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

DISABILITY HEARING FOR MICHAEL SEBAG

Chairman Smith advised that this was the time set for the Disability Hearing of Michael Sebag. Randy Brown, represented the applicant and Lee Ann Freeman, represented the Orlando Police Department. Chairman Smith asked both attorneys to give their opening statements. L. Freeman waived her opening statement. R. Brown waived his opening statement. Chairman Smith advised that the evidence phase was now closed. R. Brown gave his closing statement. L. Freeman 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 V. Montgomery and seconded by A. Blanca; **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 L. Singletary; **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 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. L. Freeman 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 DECEMBER 1, 2008 was made by R. Sutton and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

2. **APPROVAL OF MINUTES OF OCTOBER 8 AND 22, 2008**

A MOTION TO APPROVE THE MINUTES OF OCTOBER 8 AND 22, 2008 was made by L. Singletary and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

3. **CONSENT AGENDA**

Henri Wilson #2604 \$3,964.75 monthly	October 1, 2008
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Lori Shepard #2626 \$4,520.32 monthly	October 1, 2008
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Randolph P. Thames #3160 \$6,659.94 monthly	October 1, 2008
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A MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED was made by R. Sutton and seconded by L. Singletary; **MOTION CARRIED UNANIMOUSLY.**

4. **PENDING**

a. **STATUS OF DISABILITY APPLICATIONS**

Dean Mazzoli will be scheduled for his disability hearing at the next meeting.

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.

b. **DISABILITY RETIREE ANNUAL REPORTING UPDATE**

S. Burlon advised that all retirees have turned in their updates.

c. **FINAL ORDERS FOR LOD DISABILITY PENSIONS**

J. Smith advised that to help defray legal costs, staff has offered to prepare the final orders when they are granted. The Board's attorneys will complete the final orders when a disability pension is denied.

d. **REVISED APPLICATION AND POLICY FOR DISABILITY PENSIONS**

J. Smith reviewed the new policy for disability pensions. C. McCullion advised that staff has prepared a draft policy which will be sent to S. Kaufman to review.

e. **CENTRACARE UPDATE REGARDING PHYSICIANS FOR INDEPENDENT MEDICAL EXAMINATIONS**

C. McCullion reviewed a meeting that staff had with Bonnie Sypolt and Kim Tolley of Centracare and how they can handle independent medical examinations in the future. S. Kaufman advised that the cd that the disability notebook will be placed on should not be copied to the trustee's hard drive and must be turned in at the disability hearing.

f. **HEROES EARNINGS ASSISTANCE AND RELIEF TAX (HEART) ACT OF 2008**

S. Kaufman advised that he reviewed the HEART Act and the materials from the Fire Pension Board Attorney. The Act refers to active civil service employees who are disabled or killed in the military and given a voluntary pension or death

benefits. He said there isn't enough guidance from the Federal Government on how it should be handled and we should just wait until it has been finalized.

g. **UPDATE OF RULES 60T WORKSHOP**

Adam Levinson of Klausner & Kaufman gave an update to the Board about the workshop. The Division of Retirement is still studying, reviewing comments and questions that were made at the workshop by actuaries and attorneys. If enacted it would be effective October 1, 2009 and funding would begin in 2011.

h. **REVISED POLICY FOR FIREARMS**

C. McCullion reviewed the policy submitted to the trustees. **A MOTION TO APPROVE THE POLICY AS WRITTEN** was made by L. Singletary and seconded by V. Montgomery; **MOTION CARRIED UNANIMOUSLY.**

L. Singletary left the meeting at 10:30 a.m.

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

a. **POSSIBLE FRAUD COMMITTED BY A LINE OF DUTY
DISABILITY PENSIONER**

J. Smith advised that he has received conflicting information from an officer about possible fraud that might have been committed by a disability applicant who received a line of duty disability. He requested staff to obtain the original disability notebook for his review. He said this officer will testify if requested by the Board.

b. **GLOBAL TRANSITION SOLUTIONS PRESENTATION**

David Bergman, Managing Director gave a presentation on his company and their products to the Board.

R. Sutton left the meeting at 11:00 a.m.

Meeting adjourned at 11:45 a.m.

Respectfully submitted,

Rochelle L. Burlon
Pension Coordinator