

MINUTES OF THE POLICE PENSION BOARD
MEETING ON AUGUST 23, 2011

Chairman Smith called the Police Pension Board Meeting to order at 9:06 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

C. McCullion, Executive Director
S. Kaufman, Board Attorney (via telephone)
L. Freeman, Police Department Advocate
R. Brown, Attorney for Kenneth P. Dier
Kenneth P. Dier, Disability Applicant
Capt. C. Metzger, Special Operations Division
Commander
K. Zuccarini, Employment benefits
R. Burlon, Pension Coordinator

DISABILITY HEARING OF KENNETH P DIER

Chairman Smith advised that this was the time set for the Disability Hearing of Kenneth P Dier. The disability notebook, IME, and all supplemental medical documents were submitted into evidence. Lee Ann Freeman represented the Department. R. Brown represented the applicant.

R. Brown waived opening statements as did L. Freeman. R. Brown presented his case. K. P. Dier did not testify.

Chairman Smith advised that the evidence phase was now closed. R. Brown gave a closing statement. L. Freeman waived her closing. Chairman Smith announced that we would now go into the determination phase of the hearing.

A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY IN ACCORDANCE WITH THE PLAN AND STATE STATUTE was made by W. Long and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.** **A MOTION THAT THIS IS A LINE OF DUTY DISABILITY** was made by R. Thames and seconded by W. Long; **MOTION CARRIED UNANIMOUSLY.** Chairman Smith asked L. Freeman if there is a Permanent Light Duty Position available without a reduction in pay or benefits. L. Freeman advised there is no position for K. Dier.

A MOTION THAT THE CHIEF DOES NOT HAVE A PERMANENT LIMITED DUTY POSITION AVAILABLE WITHOUT A REDUCTION IN PAY OR BENEFITS. THEREFORE, THE DISABILITY PENSION IS GRANTED, EFFECTIVE SEPTEMBER 1, 2011 AND THE PENSION COORDINATOR WILL PREPARE A FINAL ORDER GRANTING THE DISABILITY RETIREMENT, was made by J. Smith and seconded by W. Long; **MOTION CARRIED UNANIMOUSLY.**

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2. **APPROVAL OF MINUTES OF JUNE 1 AND JUNE 13, 2011**

A MOTION TO APPROVE THE MINUTES AS PRESENTED was made by R. Thames and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

3. **CONSENT AGENDA**

Employee

Date of Retirement

June 1, 2011 Retirements

Employees

Joseph M. Andrade #8035 Backdrop
Monthly \$4,141.38

Val Demings #4866
Monthly \$9,697.23

Dennis L. Devlin #3403 Backdrop
Monthly \$3,967.25

Bryant Doyle #3384 Backdrop
Monthly \$4,277.07

Brett Licciardello #1898 Backdrop
Monthly \$3,874.14

James M. Strawn #3013 Backdrop
Monthly \$3,874.65

Jack Thurber #6530 Backdrop
Monthly \$4,057.02

Stephen Walczak #2658 Backdrop
Monthly \$3,916.28

July 1, 2011 Retirements

Employees

Eugenio Bernal #2581 Backdrop
Monthly \$7,359.61

Daryl Braunskill #4587 Backdrop
Monthly \$5,042.08

Reginald J. Clark #2964 Backdrop
Monthly \$3,943.60

Ralph Correa #6486 Backdrop
Monthly \$4,830.16

Thaddeus Jones #5814
Monthly \$4,809.83

August 1, 2011 Retirement

Employee

Julie Myers #5456
Monthly \$4,192.03

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED was made by W. Long and L. Botts; **MOTION CARRIED UNANIMOUSLY.**

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4. **PENDING**

a. **STATUS OF DISABILITY APPLICANTS**

| APPLICANT | DATE OF APPLICATION | BOOK & CD SUBMITTED | IME APPT | IME RECEIVED | HEARING OR OTHER INFO |
|--|----------------------------|--------------------------------|--|------------------------|--|
| Amy Bretches | 2/24/10 | 4/2010 | 7/7/10 APP CANCELLED BY AB RESCHEDULED 7/29/10 AMY LEFT MESSAGE THAT SHE HAD TO CANCEL THAT AM. BD PAID \$750 CANCEL FEE | | 8/23/11 CASE ON HOLD UNTIL FORFEITURE HEARING IS CONCLUDED. (SIXTY DAYS AFTER RELEASE FROM PRISON) |
| William Gipson Subsequent Disability App | 6/28/07 | 6/28/07 | 2/10/09 | 3/12/09 AND 2/23/11 | 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. Books and/or all supp medical distributed to Trustees 3/10/11... R. Brown scheduled deposition of applicant with R. Cohen on May 24, 2011. R. Brown not available on July 20, 2011. 8/23/11 Hearing to be scheduled for possibly November. Stu to contact Ron Cohen to confirm |
| Audrey H. White | 10/22/09 | 3/29/10 | 6/24/10 | 7/28/10 | Resigned 3/1/10. Deposition to be done by R. Brown of IME Dr. Werntz on 11/5/2010. Deposition of Dr. Bernard, workers comp doctor by R. Brown on 5/2/11. Transcript furnished by Department Advocate on 5/31/11. 8/23/11 Hearing to be scheduled for possibly September if she has no problem with only four trustees present. If not possibly October. |

b. **AMY BRETCHES FORFEITURE-UPDATE**

S. Kaufman advised that Amy Bretches would like to be represented by an attorney for the forfeiture hearing since she doesn't have one at the present time. As there is no Statute of Limitations on Forfeitures, we will hold off on her forfeiture hearing until A. Bretches is released from prison. Within sixty days from her release a hearing will be scheduled.

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c. REVISED POLICIES AND PROCEDURES

J. Smith advised that the trustees should review the documents presented, especially, the application, physician's report and IME questionnaire and bring their comments to the next meeting. Another meeting will be scheduled in mid October to review the remaining Policies and Revised Plan Document.

S. Kaufman was authorized to prepare an up-to-date Plan Document. His draft will be reviewed at the Policies and Procedures meeting to be scheduled.

**d. UPDATE ON COMPLELLENT TECHNOLOGIES
CLASS ACTION**

J. Smith advised that he signed an affidavit settling the case through Abraham, Fruchter and Twersky. **A MOTION TO RATIFY THE AFFIDAVIT SIGNED BY THE CHAIRMAN TO SETTLE THIS CASE** was made by J. Smith and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

e. UPDATE ON PFIZER INC. SECURITIES LITIGATION

J. Smith will give us an update at the next meeting.

5. NEW BUSINESS/GENERAL APPEARANCE

a. COMMUNITY HEALTH SYSTEMS CLASS ACTION

J. Smith signed a letter at the request of Abraham, Fruchter and Twersky, to Community Health Systems permitting AFT to request records before initiating a class action.

**b. UPDATE ON LEHMAN BROTHERS COLLATERAL SUPPORT
AGREEMENT WITH BNY MELLON SECURITIES LENDING**

C. McCullion updated the trustees about the Individual Investor Agreement the Board signed with BNY to cover a portion of our losses related to the Lehman Brothers bankruptcy. **A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN THE REQUIRED NOTICES TO EXERCISE OUR PUT OPTION TO SELL LEHMAN SHARES TO BNY MELLON** was made by J. Smith and seconded by W. Long; **MOTION CARRIED UNANIMOUSLY.**

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c. **2010 STATE INSURANCE PREMIUM TAX DISTRIBUTION UPDATE**

C. McCullion advised that the fund received the check from the Department of Management Services for 2010 which came to \$2,403,427.75. The cumulative excess over 1997 frozen amounts now totals \$6,477,657.47. Stu Kaufman is to contact Patricia Shoemaker to find out if we can use premium taxes to fund the pre-existing condition minimum benefit in light of the District Court of Appeals ruling in the Mixon case. J. Smith will contact R. Joyner of Segal to have him determine if there is any cost to the plan to add this benefit.

d. **FIFTH MEMBER**

Jay Smith advised the trustees that Randall Thames was resigning from the Board since he will be the new Chairman in charge of the FOP. S. Hoffman is retiring. A commemorative plaque was presented to him for his dedication to the fund for the past few years. Trustees are to come to the next meeting with any suggestions they have to recommend a replacement.

e. **BNY MELLON AND NEPC AGREEMENTS**

C. McCullion advised the trustees that our contracts with BNY Mellon and NEPC is for three years with two one-year extensions, and that we are nearing the end of the initial three year period. **A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN AN AGREEMENT WITH THESE TWO FIRMS FOR AN ADDITIONAL ONE YEAR** was made by T. Blanca and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

The meeting adjourned at 10:25 a.m.

Respectfully submitted,

Rochelle L. Burlon

Rochelle (Shelly) L. Burlon
Pension Coordinator