

## **MINUTES OF THE POLICE PENSION BOARD MEETING OF DECEMBER 9, 2010**

Chairman J. Smith called the meeting to order at 9:00 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  
S. Hetz, Police Department Advocate  
N. Permaul, Police Legal Advisor  
R. Brown, Attorney for D. Braddy  
D. Braddy, Disability Applicant  
R. Burlon, Pension Coordinator

### **1. REOPENING OF EVIDENCE PORTION FOR DISABILITY HEARING OF DARREN BRADDY**

Additional filings have been made. S. Hetz has filed an Objection to the Reopening of this case and a Memorandum of Law; Motion to Continue, R. Brown filed a Response to the City's Objection to Opening this case. S. Hetz filed an amended objection.

**A MOTION TO CONTINUE THIS MATTER TO DECEMBER 17, 2010 AT 1:00 P.M. ANY ADDITIONAL FILINGS MUST BE MADE TO THE PENSION COORDINATOR BY DECEMBER 15, 2010 BY 4:00 P.M.** was made by J. Smith and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

R. Brown to furnish a copy of the transcript of the disability hearing on May 21, 2010 to Pension Coordinator to be distributed to trustees.

### **2. APPROVAL OF MINUTES OF OCTOBER 28, 2010 AND NOVEMBER 30, 2010**

**A MOTION TO ACCEPT THE MINUTES OF OCTOBER 28 AND NOVEMBER 30, 2010;** was made by R. Thames and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

### 3. PENDING

#### 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. Wertz received on 11/23/10. R. Brown to forward a copy of the transcript from hearing on 5/21/10. Hearing to be scheduled for January?
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. <b>Denied by Circuit Court on 12/1/2008.</b>
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. <b>New IME 2/2/11.</b>
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.
Audrey White Harris	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 <b>2/14/11.</b>
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 of transportation requests to and from work. R. Brown to furnish a copy of the transcript of hearing of 12/17/10.

#### b. PROPOSED AGENCY ACTION- FORFEITURE OF RETIREMENT BENEFITS OF AMY BRETCHES

A. Bretches sent a letter to the Board advising that she will be contesting the forfeiture of her pension benefits since she is appealing her case. S. Kaufman will be sending her a letter suggesting a postponement of her forfeiture hearing until her appeals are finalized and will also seek her acceptance to hold any pension benefits in excess of her contributions in escrow until the forfeiture hearing has been conducted. He will also obtain a copy of the transcript of her sentencing hearing

**A MOTION TO AUTHORIZE THE BOARD ATTORNEY TO SEND AMY BRETCHES A LETTER CONFIRMING HER DECISION TO CONTEST THE FORFEITURE OF HER PENSION BENEFITS,** was made by J. Smith and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

c. **J CREW CLASS ACTION UPDATE**

Bernstein, Litowitz, Berger & Grossman will be handling this for the Police Pension Board. Abraham Fruchter & Twersky will be handling this class action for the Firefighters' Pension Boards. Rhumblin has been advised to hold all shares of J. Crew.

4. **CONSENT AGENDA**

Thomas McQuade, normal retirement on December 1, 2010. Monthly benefit to be completed and confirmed on December 15, 2010. Paperwork will be submitted next month to trustees.

5. **NEW BUSINESS/GENERAL APPEARANCE**

a. **CHANGE OF DATE OF MINUTES**

**A MOTION TO AMEND THE DATE OF THE MINUTES FROM JUNE 28, 2010 TO JULY 28, 2010, SINCE THERE WAS NO MEETING HELD ON JUNE 28, 2010;** was made by R. Thames and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

There being no further business, the meeting adjourned at 10: 00 a.m.

Respectfully submitted,

*Rochelle (Shelly) Burlon*

Rochelle (Shelly) L. Burlon  
Pension Coordinator