

Chairman J. Smith called the Orlando Police Pension Board Meeting to order on Wednesday, April 8, 2009 at 9:15 a.m., Agenda Conference Room, 2<sup>nd</sup> 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 Disability Applicant  
Dave Scott, Disability Applicant  
S. Kaufman, Board Attorney (via telephone)  
S. Hoffman, FOP  
J. Williams, FOP  
S. Burlon, Pension Coordinator

**1. DISABILITY HEARING FOR DAVE L. SCOTT**

Chairman Smith advised that this was the time set for the Disability Hearing of Dave L. Scott. The disability notebook, IME and affidavit from the Department Advocate, Kimberly Laskoff were submitted into evidence. Randy Brown, represented the applicant. Chairman Smith asked R. Brown to give his opening statement which he waived. R. Brown presented his case. Chairman Smith advised that the evidence phase was now closed and asked if any trustees had questions. No questions were asked. R. Brown gave his 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 T. 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 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 L. Singletary and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

Chairman Smith advised that the affidavit K. Laskoff furnished stated that Police Chief V. Demings did not have a light duty position available without any reduction in pay or benefits.

**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 MAY 1, 2009 AND THE PENSION COORDINATOR WILL FURNISH A FINAL ORDER** was made by J. Smith and seconded by V. Montgomery; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

**2. APPROVAL OF MINUTES OF MARCH 26, 2009**

**A MOTION TO APPROVE THE MINUTES OF MARCH 26, 2009** was made by T. Blanca and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

**3. CONSENT AGENDA**

**A MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED** was made by R. Sutton and seconded by V. Montgomery. S. Burlon pointed out that the calculations haven't been completed yet by Employee Benefits. R. Sutton withdrew the Motion. To be reconsidered next month.

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

**a. IMPACT ON RETIREES DUE TO CHANGES IN IRS TAX WITHHOLDING TABLES**

S. Kaufman reviewed the New Wage Withholding and Advanced Earned Income Credit. Retirees will receive an increase in their pension payments. The IRS has confirmed that pension plans must use these new withholding tables for pension distributions, even though retirees are not entitled to the Making Work Pay Credit. Discussion ensued. Staff will send out a letter from the Administrator, R. Sutton, to all retirees advising them of this situation and to have them review the impact on their individual tax exposure. If they should find they may end up with too little withholding taxes, they will be advised to complete a new form W-4P and submit it to the Pension Coordinator.

4. **PENDING**

a. **STATUS OF DISABILITY APPLICATIONS**

S. Burlon gave an update on the pending disability applications.

APPLICANT	DATE OF APPLICATION	BOOKS SUBMITTED	IME APPT	IME RECEIVED	HEARING OR OTHER INFO
Darren Brady	12/10/08	1/30/09	3/03/09	3/11/09	
William Gipson, Subsequent Disability App	6/28/07	6/28/07	2/10/09	3/12/09	R. Cohen to be hired to represent board
Jeffrey Hunter	1/26/09	2/5/09	3/17/09	4/1/09	

**UPDATE-APPEALS-DAVID MIXON**

S. Kaufman advised that no response has been received yet.

5. **NEW/GENERAL APPEARANCE/OTHER BUSINESS (continued)**

a. **POLICE DISABILITY EXPERIENCE CONDUCTED BY SEGAL**

J. Smith reviewed the study he requested Segal to conduct to show that disabilities have increased over the last few years and the impact it has on the plan if the disabilities were to double.

R. Sutton left the meeting.

b. **PENSION CAFR**

**A MOTION TO ACCEPT THE PENSION CAFR FOR THE YEARS ENDING 2008 AND 2007 AS SUBMITTED**, was made by L. Singletary and seconded by V. Montgomery; **MOTION CARRIED UNANIMOUSLY.**

The meeting adjourned at 9:55 a.m.

Respectfully submitted,

*Rochelle L. Burlon*

Rochelle (Shelly) L. Burlon, Pension Coordinator