



MINUTES FROM MEETING ON FEBRUARY 14, 2018

Chairman Smith called the meeting to order on Wednesday, February 14, 2018 in the Community Conference Room, 1st floor, Orlando Police Headquarters at 9:32 AM. There was a quorum.

Board Members

Jay L. Smith, Chairman
 Jose Vicente, Vice-Chairman
 Laurie Botts, Secretary
 Mathew Fleury, Trustee
 Christopher McCullion, Trustee

Others Present

Katrina Laudeman, Executive Director
 Matt Dickey, Deputy Executive Director
 Michelle McCrimmon, Deputy CFO
 Randy Thames, FOP
 Stu Kaufman, Board Attorney
 Randy Brown, Attorney for Ms. Briscoe
 Amy Briscoe
 Jill Baxter, Court Reporter
 Katie Zuccarini, Employee Benefits
 Lori Janeczek, Employee Benefits
 Austin Moore, Police Advocate
 Shannon Gridley-Hetz, Police Advocate
 Dolores Bracero, Police Officer
 Cheryl Middleton, Police Officer
 Brian Cechowski, Police Officer
 Michael Fields, Police Officer
 Shawn Dunlap, FOP
 Michele Keane, Pension Coordinator

1. **PUBLIC COMMENT**

Chairman Smith asked if there was any public comment. There was none.

2. **DISABILITY HEARING FOR DEREK BRISCOE**

Chairman Smith stated that the agenda indicates this is a disability hearing for Derek Briscoe. However, after speaking with Mr. Brown, this may have been intended to be an initial hearing, under Police Pension Board Policy #015. He asked the Board Attorney, Mr. Kaufman, to explain Policy #015 to the Board members. Mr. Kaufman suggested the Board hear arguments from both sides, review the documentation and evidence, consider whether or not the heart presumption applies and then decide if there is enough information to allow a determination that this is or is not a line-of-duty death. If the Board feels there is adequate information, they may make that determination today. If the Board feels there is insufficient information, a formal hearing will be scheduled. Mr. Kaufman added that the burden is on Mr. Brown that the presumption applies and asked him to proceed.

Mr. Brown explained today's proceedings are governed by Section 11 of the Police Pension Plan, Death Benefits in Line of Duty and Florida Statutes Title XII – Chapter 185 – Municipal Police Pensions, 185.34 – Disability in line of

duty. He noted the medical records, disability application and letters from two cardiologists all constitute the evidence that is to be considered.

Mr. Brown stated that Amy Briscoe, as personal representative of Officer Derek Briscoe, has shown that Officer Briscoe’s death was caused by hypertension and heart disease. In addition, he successfully passed the pre-employment physical and is entitled to the presumption that his death was suffered in the line of duty.

Mr. Brown cited additional cases and the various medical tests that Officer Briscoe had undergone and passed.

Mr. Kaufman suggested a motion be made to accept the documents into evidence. Ms. Hetz offered no objection.

A MOTION TO ACCEPT THE APPLICATION AND ALL MEDICAL RECORDS AND DOCUMENTATION INTO EVIDENCE was made by Ms. Botts and seconded by Mr. Fleury; **MOTION PASSED UNANIMOUSLY.**

Ms. Gridley-Hetz greeted the Board and offered her condolences to the Briscoe family. She stated the Police Department is not contesting that the presumption applies; however, she noted Dr. Nocero’s opinion that the death would have occurred regardless of his profession. Dr. Sizemore-Ruiz offered a second opinion which differed from Dr. Nocero’s. Dr. Nocero was given the opportunity to review Dr. Sizemore-Ruiz’ findings but did not change his original opinion. Ms. Gridley-Hetz summarized saying the Board is left with two differing opinions and the Police Department will not be deposing either of the doctors.

Mr. Brown restated that he feels he has met the burden of proof and the line of duty death should be granted.

Some discussion ensued.

A MOTION THAT THIS IS A LINE OF DUTY DEATH BASED ON PRESUMPTIONS CONTAINED IN CHAPTER 185.34 WAS MADE BY Mr. Fleury and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.** The effective date will be July 1, 2015 and Mr. Kaufman will complete a final order.

A recess was taken at 10:19 AM, at which time Mr. Brown, Ms. Briscoe, Mr. Moore, Ms. Baxter, and Officers Cechowski, Dunlap and Fields left the meeting.

Meeting resumed at 10:32 AM.

3. APPROVAL OF MINUTES OF DECEMBER 7, 2017 AND DECEMBER 14, 2017

A MOTION TO APPROVE THE MINUTES OF DECEMBER 7, 2017 AND DECEMBER 14, 2017 was made by Mr. Fleury and seconded by Chairman Smith; **MOTION CARRIED UNANIMOUSLY.**

4. APPROVAL OF CONSENT AGENDA

A MOTION TO APPROVE THE CONSENT AGENDA was made by Mr. Fleury and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.**

5. PENDING / OLD BUSINESS

a. Disability Updates

Cheryl Middleton:

Mr. Thames noted Officer Middleton is awaiting her IME to be scheduled. Ms. Keane noted there are two injuries from the same incident and Centra Care is requesting permission to schedule an IME for each injury. The Board agreed to pay for two separate IMEs.

Kenneth Brown:

Mr. Thames stated Officer Brown's application is still delayed while waiting for his widow to be appointed as his personal representative. This item will remain on the agenda until the case moves forward.

Dolores Bracero:

Officer Bracero noted her attorney requested another extension on Tuesday, February 13th to gather information for her disability notebook. Chairman Smith granted an extension and asked to be kept informed.

Christopher Brilliant:

Chairman Smith noted that Officer Brilliant's application has been received and Mr. Thames added he expects the notebook to go to the printer this week.

Angela Eaton:

Ms. Gridley-Hetz passed along information from Mr. Karden. The Chief of Police has a position for Officer Eaton and Mr. Karden is ready to proceed with the case. The disability hearing is scheduled for March 8 and the Board will be notified of the hearing location once a room is secured.

b. Securities Litigation Update

Chairman Smith noted there was not any new litigation.

c. Share Program Update

Ms. Laudeman noted the Share Program has been funded after resolving some issues with ICMA-RC. Mr. Thames asked if she was aware of withdrawal problems due to retirement dates. Ms. Laudeman stated she was well aware of the problem and that Therasa Vance, our retirement specialist, is working on the accounts.

6. NEW BUSINESS

Mr. Kaufman updated the Board on two cases that are before the Florida legislature. He added that because the conference is not being held this year, information will be shared in a series of webinars. More details will follow from Klausner, Kaufman, Jensen & Levinson.

Ms. Zuccarini stated she will not be retiring until April 1, 2018 and introduced her replacement, Lori Janeczek.

7. ADJOURNMENT

A MOTION TO ADJOURN was made by Mr. Vicente and seconded by Mr. Fleury. The meeting adjourned at 10:54 AM.

Respectfully submitted,

Michele Keane

Michele Keane
Pension Coordinator