

MINUTES OF THE REGULAR MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 N. LAKE AVENUE, SUITE 810, PASADENA, CA

9:00 A.M., THURSDAY, JUNE 14, 2018

PRESENT: Vivian H. Gray, Chair
Herman Santos, Vice Chair
Marvin Adams, Secretary
Alan Bernstein
JP Harris (Alternate Retired)
Joseph Kelly
William Pryor (Alternate Member)
Les Robbins
Thomas Walsh
Gina Zapanta-Murphy (Left the meeting at 11:34 a.m.)

ABSENT: Shawn R. Kehoe

STAFF ADVISORS AND PARTICIPANTS

Robert R. Hill, Interim Chief Executive Officer
James Brekk, Interim Deputy Chief Executive Officer
Steven P. Rice, Chief Counsel
Dr. Vito Campese, Medical Advisor
Allison E. Barrett, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Francis J. Boyd, Senior Staff Counsel

Ricki Contreras, Division Manager
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

John Nogales, Human Resources Director

Barry W. Lew, Legislative Affairs Officer

Kleith Hunter, Member

I. CALL TO ORDER

The meeting was called to order by Ms. Gray at 9:01 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Pryor led the Board Members and staff in reciting the Pledge of Allegiance.

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of May 10, 2018

Ms. Zapanta-Murphy made a motion, Mr. Santos seconded, to approve the minutes of the regular meeting of May 10, 2018. The motion passed with Mr. Robbins abstaining.

IV. OTHER COMMUNICATIONS

A. For Information

1. Award

Mr. Hill recognized Paul Carranza for his 25 years of county service.

Furthermore, Mr. Hill recognized Human Resources as a recipient for of the Agency Award for Excellence in Human Resources for 2018.

2. April 2018 All Stars

Mr. Brekk announced the eight winners for the month of April: Ching Fong, Koreana Wong, Ron Senkandwa, Karina Diaz, Fabio Ramirez, Maggie Luong, and Phuong Reyes for the Employee Recognition Program and Indee Brookes for the Web Watcher Program. Maria Silva, Jim Alvarez, Russell Lurina and Melvin Tsao were the winners of LACERA's RideShare Program.

3. Interim Chief Executive Officer's Report (Memo dated June 4, 2018)

Mr. Hill provided an update to the Boards request to have Systems meet with the Investments team to gather their IT wants, needs, and requirements.

V. PUBLIC COMMENT

LACERA member, Kleith Hunter, addressed the Board regarding his case.

VI. CONSENT ITEMS

Mr. Adams made a motion, Mr. Santos seconded, to approve the following agenda items. The motion passed unanimously.

VI. CONSENT ITEMS (Continued)

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice Charles F. Romas' appeal for an earlier effective date.
(Memo dated May 30, 2018)
- C. Recommendation as submitted by Robert R. Hill, Interim Chief Executive Officer: That the Board approve attendance of Board members at the Koried Global Summit "It's a Small World" on July 11-13, 2018 in Coral Gables, Florida and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy. (Memo dated May 14, 2018)
(Placed on the agenda at the request of Ms. Gray)
- D. Recommendation as submitted by Robert R. Hill, Interim Chief Executive Officer: That the Board approve attendance of Board members at the IAFCI 50th Annual Training Conference "Giving Fraud the Boot" on August 13-17, 2018 in Fort Worth, Texas and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy.
(Memo dated May 14, 2018)
(Placed on the agenda at the request of Mr. Kehoe)
- E. Recommendation as submitted by Robert R. Hill, Interim Chief Executive Officer: That the Board approve attendance of Board members at the Cyber Security Summit – 8th Annual Leadership Event on October 22-24, 2018 in Minneapolis, Minnesota and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy.
(Memo dated June 4, 2018)
(Placed on the agenda at the request of Mr. Bernstein)

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Adams, seconded by Mr. Walsh, the Board of Retirement approved a service-connected disability retirement for the following named employees

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
825C	ROBERT D. HEINS
826C*	LISA M. SANDERS
827C*	DAVID E. VALENTINE
828C	LEO G. FOISNER
829C	BRIAN R. MCBRIDE
830C	KEVIN D. GAYHART
831C	ADRIANA DIAZ
832C**	JOHN O. HOUCHENS, JR.
833C**	DAVID L. BUTLER
834C	JAMES Y. LAU
835C	DOUGLAS M. RUNION
836C	GUILLERMO A. GUERRERO, JR.
837C	WARREN V. NORIAN, JR.
838C*	MARK C. LORENZ

* Granted SCD – Retroactive

** Granted SCD – Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
839C*	VICTOR M. TRUJILLO
840C**	DANIEL B. DURAN
841C***	MICHAEL L. BROWNE
842C	VICTOR E. HESS
843C	STEVEN P. ANDERSON
844C	LARRY D. BLACKWELL
845C*	SHERI A. ANDERSON
846C	LEON A. HUDSON, JR.

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Santos, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
1985A	BERWYN R. COFFIN

* Granted SCD – Employer Cannot Accommodate

** Applicant Present

*** Granted SCD – Retroactive Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1986A	GARY M. MARSHALL
1987A	BRIAN C. LEFAVE
1988A	WALTER B. MADDOCKS
1989A	DONALD J. CAMPBELL
1990A*	KIRK A. THOMAS
1991A	DAVE A. WISE
1992A	CRAIG K. DOOLITTLE

General Members
Service-Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Adams, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
2835B**	CAROLYN L. CULVER
2836B	ANDEW MORALES

* Granted SCD – Retroactive Employer Cannot Accommodate

** Granted SCD – Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2837B*	DANIEL T. KEALOHA
2839B*	DEBRA A. KELLY
2840B**	LYNNETTE G. RAHM
2841B**	LORA M. LACY MARSHALL
2842B*	SUZANNE M. HERNANDEZ
2843B**	DANIEL SERRANO
2844B**	FLOYD R. SMITH
2845B**	MARGARITA MARROU
2846B*	AMBER M. JONES
2847B***	YOLANDA K. SAINZ
2848B*	BERNADETTE L. CHANG
2849B*	ROSA BROWN
2850B**	VALERIE ARNOLD
2851B**	JANN L. ZINDERMAN
2852B***	ROSA MARIA SALAS

* Granted SCD – Retroactive Employer Cannot Accommodate

** Granted SCD – Employer Cannot Accommodate

*** Granted SCD – Retroactive

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Non-Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Bernstein, the Board of Retirement approved a non-service connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

APPLICATION NO.

NAME

4372

THOMAS P. HAYNES

VIII. NON-CONSENT ITEMS

- A. Recommendation as submitted by Robert H. Hill, Interim Chief Executive Officer: That the Board adopt the final proposed LACERA Fiscal Year 2018-2019 Administrative, Retiree Healthcare Benefits, and Other Post-Employment Benefits Trust Budgets. (Memo dated June 5, 2018)

Mr. Santos made a motion, Mr. Adams seconded, to approve staffs recommendation. The motion passed unanimously.

IX. REPORTS

The following reports were received and filed.

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated May 21, 2018)
- B. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the Update on SACRS 2018 Legislative Platform. (Memo dated June 4, 2018)
- C. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding LACERA's Comment Letter on IRS Notice 2018-24 Concerning Availability of Determination Letters. (Memo dated May 31, 2018)

IX. REPORTS (Continued)

- D. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the May 2018 Fiduciary Counsel Contact and Billing Report. (Memo dated June 4, 2018) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)

X. REPORT ON STAFF ACTION ITEMS

There was nothing to report.

XI. GOOD OF THE ORDER
(For information purposes only)

There was nothing to report.

The Board met in Closed Session following a motion made by Mr. Harris, seconded by Ms. Gray, to discuss a personnel issue related to the CEO search pursuant to Government Code Section 54957, having made the findings required by Government Code Section 54954.2(b)(2) that the matter may require immediate discussion and that the need came to the attention of the agency after the agenda for the meeting was posted. The motion to invoke Section 54954.2(b)(2) passed (roll call) with Messrs. Pryor, Adams, Kelly, Santos, Bernstein, Robbins, Walsh, Ms. Zapanta-Murphy, and Ms. Gray voting yes. Following the closed session, there was nothing to report.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5011B – GUADALUPE CASTRUITA

Mr. Pryor made a motion, Mr. Walsh seconded, to grant a non-service connected disability retirement pursuant to Government Code

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
5011B – GUADALUPE CASTRUITA	Sections 31720 and 31724. The motion passed unanimously.
2838B – CHRISTOPHER P. LAMOTHE	Mr. Santos made a motion, Mr. Walsh seconded, to grant a service connected disability with a salary supplemental pursuant to Government Code Section 31725.65 since the employer can accommodate. The motion passed unanimously.
5012B – GORDON L. MEHEULA	Mr. Pryor made a motion, Mr. Bernstein seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720. Mr. Santos made a substitute motion, Mr. Harris seconded, to refer back to staff for additional information. The motion passed unanimously.
5013B – ROBERT E. CLARKE	Mr. Adams made a motion, Mr. Santos seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720. The motion passed unanimously.
5014B – GUADALUPE CORTEZ	Mr. Walsh made a motion, Mr. Pryor seconded, to deny since the employer can accommodate. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5015B – SERGIO C. ROMERO

Mr. Harris made a motion, Mr. Robbins seconded, to deny since the employer can accommodate.

Mr. Bernstein made a substitute motion, Mr. Adams seconded, to deny without prejudice. The motion passed unanimously.

5016B – KLEITH HUNTER*

Mr. Robbins made a motion, Mr. Pryor seconded to deny and find the applicant ineligible for a non-service connected disability. The motion passed unanimously.

5017B – ELVA SILVA

Mr. Harris made a motion, Ms. Gray seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720. The motion passed unanimously.

6876A – MARCUS FRIEDMANN

Mr. Pryor made a motion, Mr. Bernstein seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

6880A – DIANE SANTIAGO*

Mr. Robbins made a motion, Mr. Pryor seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

* Applicant Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

L4102ADRSM

Mr. Santos made a motion, Mr. Pryor seconded, to grant a service connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

(Mrs. Zapanta-Murphy left the meeting at 11:34 a.m.)

WILLIAM R. BUSS – Thomas J. Wicke for the applicant
Jason E. Waller for the respondent

Mr. Adams made a motion, Mr. Harris seconded, to grant a non-service connected disability retirement and deny the option for an earlier effective date.

Mr. Santos made a substitute motion, Mr. Adams seconded, to refer back to staff for further development. The makers of the motion, withdrew their motion; however, Ms. Gray objected. The motion failed (roll call) with Messrs. Pryor, Santos, Robbins and Ms. Gray voting yes; and Messrs. Kelly, Adams, Bernstein, and Walsh voting no. The original motion passed (roll call) with Messrs. Kelly, Adams, Bernstein, Robbins, and Walsh voting yes; and Messrs. Pryor, Santos and Ms. Gray voting no.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

ERNESTO NUNEZ – Jane H. Oatman for the applicant
Allison E. Barrett for the respondent

Mr. Bernstein made a motion, Mr. Kelly seconded, to deny a non-service connected disability retirement and find the applicant not permanently incapacitated. The motion passed with Mr. Adams voting no.

NANCY C. Yu (Deceased) – In Pro Per
YU ZHANG (Survivor) Jason E. Waller

Mr. Kelly recused himself from the case.

Mr. Pryor made a motion, Mr. Adams seconded to deny a service connected disability retirement survivor benefit. The motion passed unanimously.

C. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject Elisha Gardner’s application for processing. (Memo dated June 1, 2018)

Mr. Harris made a motion, Ms. Gray seconded, to approve the agenda item. The motion passed unanimously.

2. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board find that Yolanda Ramirez’s disability retirement application is untimely under Government Code Section 31722 and deny her application for a service-connected disability retirement. (Memo dated June 1, 2018)

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

Mr. Adams made a motion, Mr. Robbins seconded, to approve the agenda item. The motion passed unanimously.

3. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board instruct staff to dismiss Stephanie M. De Fiore's appeal for service-connected disability retirement. (Memo dated June 1, 2018)

Mr. Bernstein made a motion, Mr. Adams seconded, to approve the agenda item. The motion passed unanimously.

4. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel, Disability Litigation: That the Board find Vanessa H. Ajufoh permanently incapacitated for service-connected causes and grant her a service-connected disability retirement in accordance with Government Code Section 31720. (Memo dated May 23, 2018)

Mr. Adams made a motion, Mr. Pryor seconded, to approve the agenda item. The motion passed unanimously.

XIII. EXECUTIVE SESSION

- A. Conference with Legal Counsel - Existing Litigation
(Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9)

1. Vernalea Panga v. Board of Retirement of the Los Angeles County Employees Retirement Association - For Information Only

The Board met in Executive Session with counsel, pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9. There was nothing to report.

XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:26 p.m.

Green Folder Information (Information distributed in each Board Member's Green Folder at the beginning of the meeting)

1. Retirement Board Listing dated June 14, 2018
2. Request for Publication of Court of Appeal Decision
(Privileged and Confidential) (Attorney-Client Communication) (For Information Only) (Memo dated June 13, 2018)
3. Disability Retirement Correction Memo – Yolanda Ramirez (Misc. Agenda)
(Memo dated June 12, 2018)
4. Statement to LACERA Retirement Board Members – Kleith Hunter
(Memo dated June 1, 2018)

MARVIN ADAMS, SECRETARY

VIVIAN H. GRAY, CHAIR