

APPROVED

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., WEDNESDAY, MARCH 6, 2019

PRESENT: Alan Bernstein, Chair
Gina Zapanta-Murphy, Secretary
Vivian H. Gray
JP Harris (Alternate Retired)
Shawn R. Kehoe
Keith Knox (Chief Deputy to Joseph Kelly)
Ronald Okum
William Pryor (Alternate Safety)
Les Robbins, Vice Chair
Herman Santos
Thomas Walsh

ABSENT: Joseph Kelly

STAFF ADVISORS AND PARTICIPANTS

Lou Lazatin, Chief Executive Officer
John Popowich, Assistant Executive Officer
Steven P. Rice, Chief Counsel
Johanna Fontenot, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS

Dr. Vito Campese, Medical Advisor

Ricki Contreras, Division Manager
Disability Retirement Services

Hernan Barrientos, Specialist Supervisor
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel

Nohemi Ferguson, Attorney

Thomas J. Wicke, Attorney at Law

I. CALL TO ORDER

The meeting was called to order by Mr. Bernstein at 9:02 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 February 6, 2019

Mr. Kehoe made a motion, Mr. Okum seconded, to approve the minutes of the regular meeting of February 6, 2019. The motion passed unanimously.

IV. PUBLIC COMMENT

There were no requests from the public to speak.

V. CONSENT ITEMS

Mr. Robbins made a motion, Mr. Pryor seconded, to approve the following items. The motion passed unanimously.

- 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 the application of La Shell D. Long for a service-connected disability retirement. (Memo dated February 20, 2019)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the application of Adrienne M. Myers for an earlier effective date. (Memo dated February 21, 2019)

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Pryor, 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>
970C*	SAMUEL R. ARELLANO
971C	JOSEPH M. TESSARI

* Granted SCD – Employer Cannot Accommodate

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
972C	EDWARD L. HOPPER
973C	STEVE CHOI
974C*	ALEX RADOVIC (DECEASED)
975C	MARY ELIZABETH MAHONEY
976C**	ROBERT A. DESANTIS
977C***	TINA N. KELLEY
978C	PHILLIP A. HAYES
979C	DWAYNE R. BEDNAR

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Bernstein, 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>
1082B	ROBERT O. NEES

* Granted SCD – Survivor Benefit

** Granted SCD – Retroactive

*** Granted SCD – Employer Cannot Accommodate

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1083B	BERT E. SIMONTON
1084B	MICHAEL D. FLOCKS
1085B*	JAVIER GONZALEZ
1086B	MARGARET COOK
1087B	THOMAS L. HARDY
1088B**	KENNETH J. SOUZA
1089B	THOMAS BURROLA

General Members
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Robbins, 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>
2938B**	KELLY SPARKS
2939B**	RENEE S. THOMAS
2940B**	ELIZABETH GONZALEZ

* Granted SCD – Retroactive

** Granted SCD – Employer Cannot Accommodate

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

2941B*	CAROLYN L. WILSON
2942B*	RONALD C. JIMENEZ
2943B	DERRICK A. VELASQUEZ

General Members
Nonservice-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Okum, 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>
4379**	JANICE M. FRIEND

VII. REPORTS

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated February 16, 2019)

Ms. Contreras was present and answered questions from the Board. This Item was received and filed.

* Granted SCD – Employer Cannot Accommodate

** Applicant Present

VIII. ITEMS FOR STAFF REVIEW

The Board requested that staff agendaize for a future committee discussion regarding Disability Retirement Services resources.

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

Mr. Pryor requested that staff agendaize for discussion regarding Board member participation via teleconference.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5060B – LINETTE WALKER (DECEASED)

Mr. Bernstein made a motion, Mr. Okum seconded, to grant a non-service connected disability retirement without prejudice pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously by all Board members present.

5061B – SHONTE D. MCBRIDE

Mr. Okum made a motion, Mr. Pryor seconded, to deny a service-connected disability retirement since the employer can accommodate. The motion passed unanimously by all Board members present.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5062B – CHERIE L. MILLER

Mr. Okum made a motion, Mr. Kehoe seconded, to deny a service-connected disability retirement and find the applicant incapacitated since the employer can accommodate. The motion passed unanimously by all Board members present.

5063B – GREGORY L. STEGNER

Mr. Okum made a motion, Mr. Pryor seconded, to deny a service-connected disability retirement and find the applicant incapacitated.

Mr. Kehoe made a substitute motion, Mr. Okum seconded, to refer back to staff for further information. The motion passed unanimously by all Board members present.

5064B – MONIQUE C. PIERSON

Mr. Kehoe made a motion, Mr. Robbins seconded, to grant a service-connected disability retirement.

The makers of the motion amended their motion to include a job study. The motion passed (roll call) with Messrs. Okum, Walsh, Robbins, Kehoe, and Mrs. Zapanta-Murphy voting yes; and Mr. Santos and Ms. Gray voting no.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5002B – FRANK J. VALENZUELA

Mr. Pryor made a motion, Mr. Kehoe seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously by all Board members present.

5005B – MANUEL GARZA

Mr. Okum made a motion, Mr. Kehoe seconded, to grant a service-connected disability retirement pursuant to Government Code Sections 31720 and 31724 since the employer cannot accommodate. The motion passed unanimously by all Board members present.

5028B – ROBERT J. RENKO

Mr. Kehoe made a motion, Mr. Santos seconded, to refer back to staff for further information.

5048B – QI LI*

Ms. Gray made a motion, Mr. Okum seconded, to grant a service-connected disability retirement pursuant to Government Code Sections 31720 and 31724 since the employer cannot accommodate. The motion passed unanimously by all Board members present.

* Applicant Present

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5049B – C. RENAE WALKER-JONES

Mr. Kehoe made a motion, Mr. Pryor seconded, to deny a service-connected disability retirement since the employer can accommodate. The motion passed unanimously by all Board members present.

6955A – MAGDALENA T. AGUILAR

Mr. Okum made a motion, Mr. Walsh seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously by all Board members present.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

D4102DRAA – Thomas Wicke for the applicant
Nohemi Ferguson for the respondent

Mr. Kehoe made a motion, Mr. Robbins seconded, to grant a service-connected disability retirement. The motion passed (roll call) with Messrs. Santos, Robbins, Kehoe, and Bernstein voting yes; and Mr. Walsh and Mrs. Zapanta-Murphy voting no.

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations

1. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find that the delay in filing Eugene Lindsey's application was due to his inability to ascertain the permanency of his incapacity and that his application be deemed filed on the day after the last day of regular compensation; and that he is entitled to the option of an earlier effective date. (Letter dated February 15, 2019)

Mr. Robbins made a motion, Ms. Gray seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

2. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find that the delay in filing June J. Oh's application was due to her inability to ascertain the permanency of her incapacity; that her application be deemed filed on the day after her last day of regular compensation; and that she is entitled to the option of an earlier effective date. (Letter dated February 15, 2019)

Mr. Robbins made a motion, Mr. Pryor seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

3. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find that the delay in filing Tatyana E. Voldiner's application was due to her inability to ascertain the permanency of her incapacity; that her application be deemed filed on the day after her last day of regular compensation; and that she is entitled to the option of an earlier effective date. (Letter dated February 15, 2019)

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

Mr. Bernstein made a motion, Mr. Okum seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

4. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find that the delay in filing Patricia M. Trujillo's application was due to her inability to ascertain the permanency of her incapacity; that her application be deemed filed on the day after her last day of regular compensation; and that she is entitled to the option of an earlier effective date.
(Letter dated February 22, 2019)

Mr. Pryor made a motion, Mr. Robbins seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

5. Recommendation as submitted by Francis J. Boyd, Senior Staff Counsel: That the Board approve the service provider invoices for Irene P. Ayala. (Memo dated February 22, 2019)

Mr. Robbins made a motion, Mr. Walsh seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

6. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoices for Winet Patrick Gayer Creighton & Hanes. (Memo dated February 19, 2019)

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

Mr. Pryor made a motion, Ms. Gray seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

XI. EXECUTIVE SESSION

A. Conference with Legal Counsel – Initiation of Litigation
Paragraph (4) of Subdivision (d) of Section 54956.9

1. One Case

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.

XII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:30 a.m.

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

1. Retirement Board Listing dated March 6, 2019

Signature on File

GINA ZAPANTA-MURPHY, SECRETARY

Signature on File

ALAN BERNSTEIN, CHAIR