

AGENDA

A 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, APRIL 3, 2019

*The Board may take action on any item on the agenda,
and agenda items may be taken out of order.*

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES
 - A. Approval of the Minutes of the Regular Meeting of March 6, 2019
- IV. PUBLIC COMMENT
- V. CONSENT ITEMS
 - 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 grant the appeals and requests for an administrative hearing for applicants Ian S. Good, C. Renae Walker-Jones, Shonte D. McBride, and Cherie L. Miller. (Memo dated March 20, 2019)
 - C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the application for correction appeal of Edmund D. Ybarra's for an earlier effective date. (Memo dated March 21, 2019)

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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 March 20, 2019)

VIII. ITEMS FOR STAFF REVIEW

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

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

- A. Applications for Disability

- B. Staff Recommendations

1. Recommendation as submitted by Allison E. Barrett, Senior Staff Counsel: That the Board find that the delay in filing Derrick Mingo'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 March 19, 2019)
2. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find that the delay in filing Brenda McClanahan's application was due to her inability to ascertain the permanency of her 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 March 8, 2019)
3. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find that the delay in filing Peter Murrieta'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 March 8, 2019)

X. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Staff Recommendations (Continued)

4. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel: That the Board find that the delay in filing David C. Smith'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 27, 2019)
5. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel: That the Board find that the delay in filing Alicia Flores's application was due to her inability to ascertain the permanency of his incapacity and that her 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 27, 2019)
6. Recommendation as submitted by Francis J. Boyd, Senior Staff Counsel: That the Board approve the service provider invoices for Irene P. Ayala. (Memo dated March 15, 2019)
7. Recommendation as submitted by Ricki Contreras, Manager: That the Board approve the service provider invoice for Stuart Fischer, M.D. (Memo dated March 20, 2019)

XI. ADJOURNMENT

Documents subject to public disclosure that relate to an agenda item for an open session of the Board of Retirement that are distributed to members of the Board of Retirement less than 72 hours prior to the meeting will be available for public inspection at the time they are distributed to a majority of the Board of Retirement Members at LACERA's offices at 300 N. Lake Avenue, Suite 820, Pasadena, CA 91101, during normal business hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.

Persons requiring an alternative format of this agenda pursuant to Section 202 of the Americans with Disabilities Act of 1990 may request one by calling the Board Offices at (626) 564-6000, Ext. 4401/4402 from 8:30 a.m. to 5:00 p.m. Monday through Friday, but no later than 48 hours prior to the time the meeting is to commence. Assistive Listening Devices are available upon request. American Sign Language (ASL) Interpreters are available with at least three (3) business days notice before the meeting date.

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:

APPLICATION NO.

NAME

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

GINA ZAPANTA-MURPHY, SECRETARY

ALAN BERNSTEIN, CHAIR



Documents not attached are exempt from disclosure under the California Public Records Act and other legal authority.

**For further information, contact:
LACERA
Attention: Public Records Act Requests
300 N. Lake Ave., Suite 620
Pasadena, CA 91101**



March 20, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services

SUBJECT: **APPEALS FOR THE BOARD OF RETIREMENT'S MEETING
OF APRIL 3, 2019**

IT IS RECOMMENDED that the Board of Retirement grant the appeals and requests for administrative hearing received from the following applicants, and direct the Disability Retirement Services Manager to refer each case to a referee:

1006B	Ian S. Good	In Pro Per	Grant SCD
5049B	C. Renae Walker-Jones	In Pro Per	Deny SCD – Employer Can Accommodate
5060B	Shonte D. McBride	In Pro Per	Deny SCD – Employer Can Accommodate
5062B	Cherie L. Miller	Thomas Wicke	Deny SCD – Employer Can Accommodate


RC:kw

Memo. New Appeals.docx



March 21, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Manager 
Disability Retirement Services Division

FOR: April 3, 2019 Board of Retirement Meeting

SUBJECT: **DISMISS WITH PREJUDICE THE APPLICATION FOR CORRECTION
APPEAL OF EDMUND D. YBARRA**

Mr. Edmund D. Ybarra applied for service-connected disability retirement on March 1, 2012. On August 7, 2013, the Board granted Mr. Ybarra's application for service-connected disability retirement.

Mr. Ybarra filed a timely application for correction appeal regarding the effective date of his service-connected disability retirement. On February 21, 2019, Mr. Ybarra advised LACERA that he did not wish to proceed with his application for correction appeal.

IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:

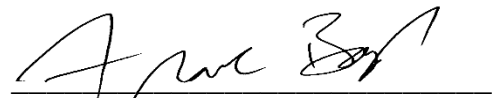
Dismiss with prejudice Edmund D. Ybarra's application for correction appeal for an earlier effective date.

FJB: RC:mb

Ybarra, Edmund D.doc

Attachment

NOTED AND REVIEWED:



Francis J. Boyd, Sr. Staff Counsel

Date: 3/22/19




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March 20, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager 
Disability Retirement Services

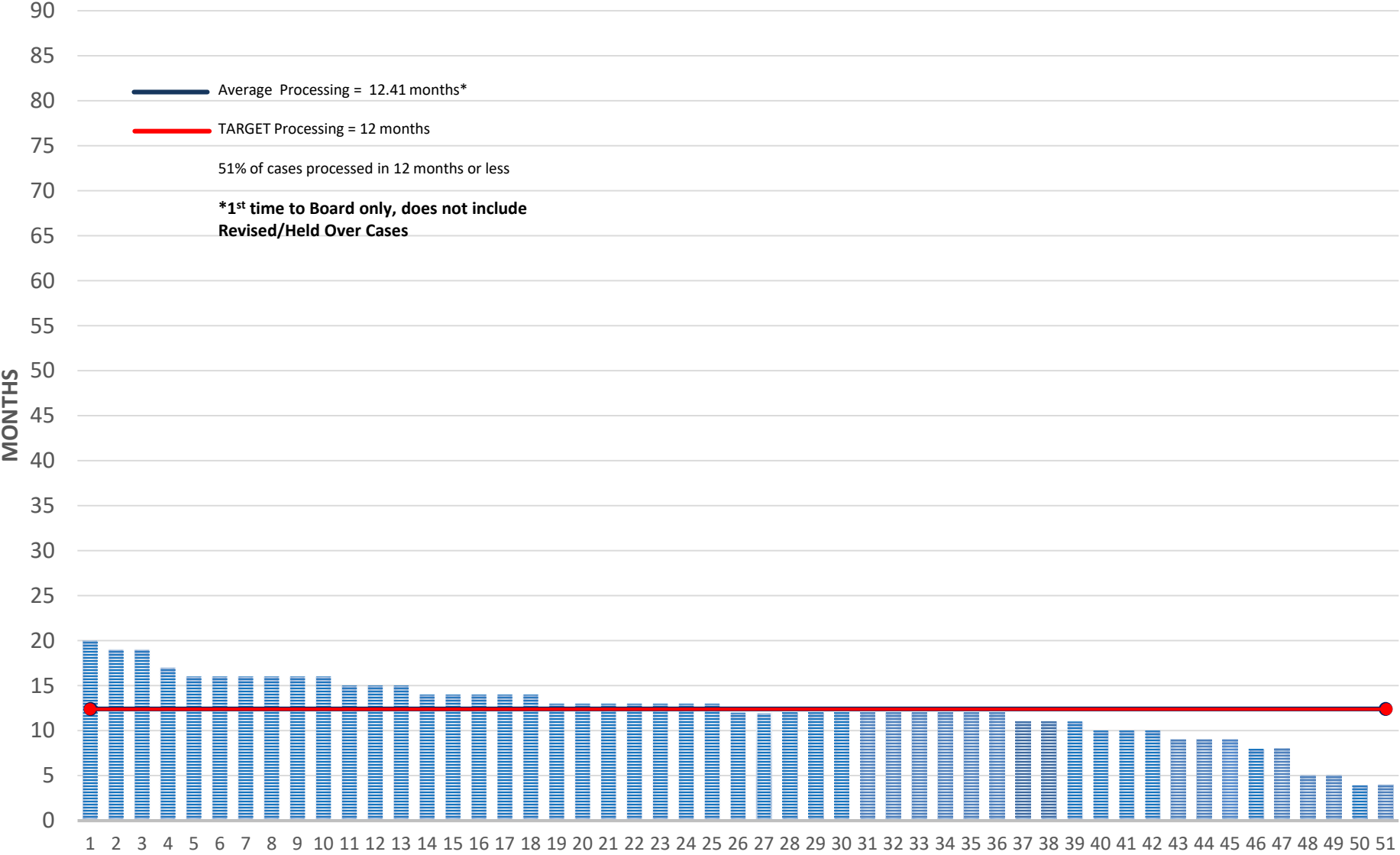
FOR: April 3, 2019 Board of Retirement Meeting

SUBJECT: **Application Processing Time Snapshot Reports**

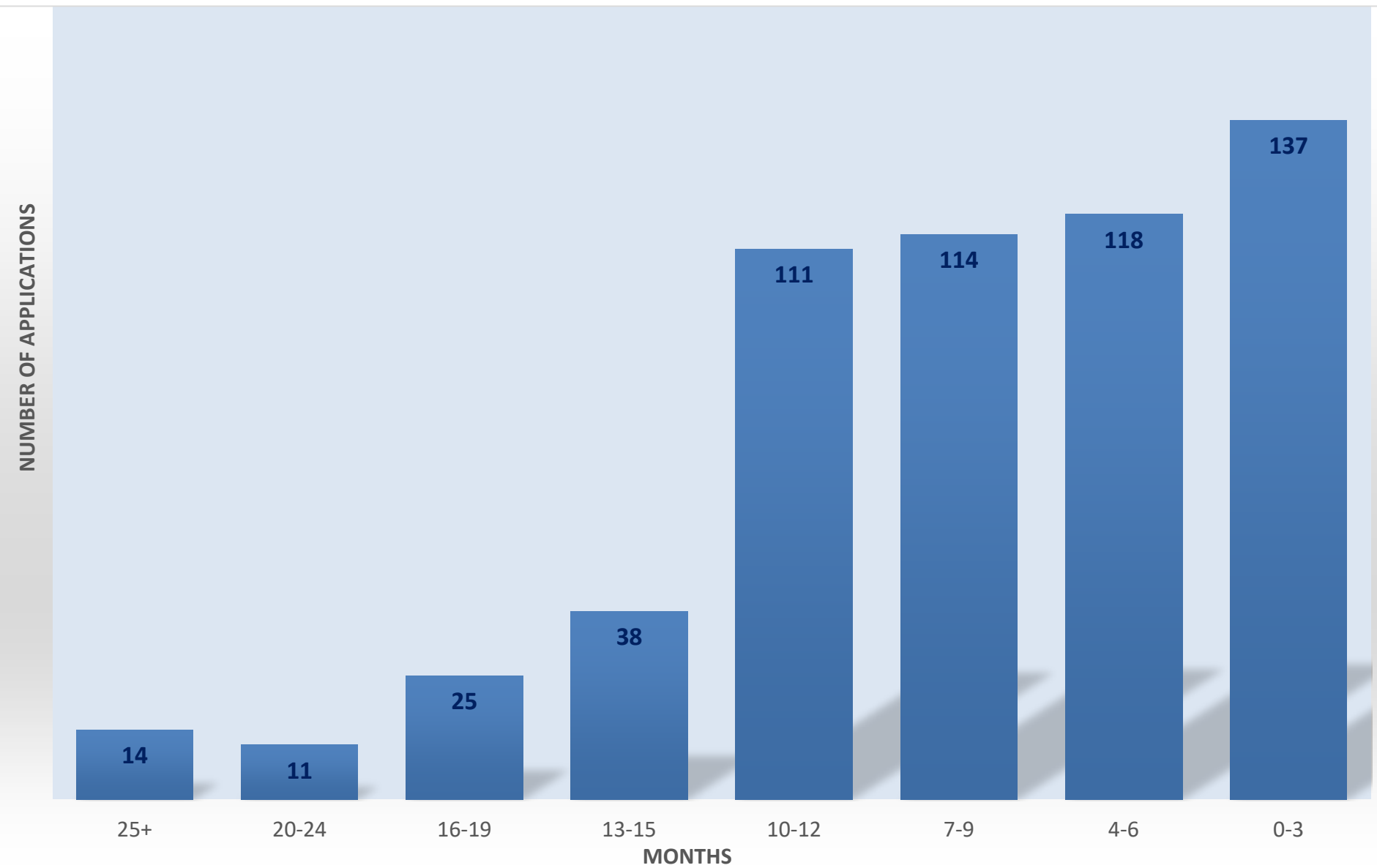
The following chart shows the total processing time from receipt of the application to the first Board action for all cases on the April 3, 2019 Disability Retirement Applications Agenda.

Consent & Non-Consent Calendar	
Number of Applications	51
Average Processing Time (in Months)	12.41
Revised/Held Over Calendar	
Number of Applications	NA
Processing Time Per Case (in Months)	NA
Total Average Processing Time Revised/Held Over Calendar	NA
Total Average Processing Time All 51 Cases on Agenda	12.41

CASE PROCESSING TIME



PENDING APPLICATIONS/TIME INTERVALS





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