

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, JUNE 5, 2019

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

ABSENT: Shawn R. Kehoe

STAFF ADVISORS AND PARTICIPANTS

Steven P. Rice, Chief Counsel
John Popowich, Assistant Executive Officer
Dr. Vito Campese, Medical Advisor
Ricki Contreras, Division Manager
Disability Retirement Services

STAFF ADVISORS AND PARTICIPANTS (Continued)

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Barry W. Lew, Legislative Affairs Officer

Fern M. Billingsy, Senior Staff Counsel

Francis J. Boyd, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Jason E. Waller, Senior Staff Counsel

Thomas Wicke, Attorney at Law

I. CALL TO ORDER

The meeting was called to order by Mr. Bernstein at 9:04 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Harris 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 1, 2019

Mr. Harris made a motion, Mr. Pryor seconded, to approve the minutes of the regular meeting of May 1, 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. Okum seconded, to approve the following items. The motion passed unanimously.

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.

Mr. Rice shared the retirement of Mary Phillips, Jan Tran, and Jerry Kemp from the Systems Division and thanked them for their service.

- B. Ratification of Reciprocal Disability Retirements. (Memo dated May 20, 2019)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeals and request for an administrative hearing for applicant, Reymundo Hinojos. (Memo dated May 22, 2019)
- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal of Monica E. Jacobs for a service-connected disability retirement. (Memo dated May 20, 2019)
- E. Recommendation as submitted by Fern M. Billiny, Senior Staff Counsel: That the Board 1) Adopt Resolutions, No. 2019-BR001, No. 2019-BR002, and No. 2019-BR003, specifying pay items as “compensation earnable” and “pensionable compensation;” and 2) Instruct staff to coordinate with the County of Los Angeles to establish necessary reporting mechanism and procedures to permit LACERA to include the qualifying items in the calculation of final compensation. (Memo dated May 23, 2019)

VI. EXCLUDED CONSENT ITEMS

There were no items discussed.

VII. NON-CONSENT ITEMS

- A. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the Update on Assembly Bill 664 – Disability Retirement and Peace Officers. (Memo dated May 28, 2019)

Mr. Lew was present to answer questions from the Board.

- B. Recommendation as submitted by Vivian H. Gray, Board Member: That the Board change their position on Assembly Bill 664 from a “Support” to a “Watch” position. (Memo dated May 23, 2019)

Ms. Gray made a motion, Mr. Harris seconded, to change the Board’s position to an “Oppose” position. The motion passed unanimously by all members present.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Okum, 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>
27D*	RICHARD L. WESTIN
28D	RICHARD P. FAULK
29D	JOSEPH H. MIRAFLORE
30D**	LOUIE BARRAGAN

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Retroactive

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
31D	CHRISTOPHER J. YOUNG
32D	KYLE E. BISTLINE
33D	DARRIN J. WALKER
34D	MICHAEL E. OROPEZA
35D	RANDY J. YARD
36D*	DONALDO F. ROACHFORD
37D	DOUGLAS C. JENSEN
38D	CHRISTINE A. MIRANDA
39D	MICHAEL P. BALLAI
40D	STEPHANIE L. WASHINGTON
41D	CHRISTIAN A. FINGER
42D**	MARK R. STEPHENS
43D	JOSEPH C. WHITE
44D**	JACOBUS H. BOERSMA
45D**	RICHARD L. AMENDOLA
46D**	RANDALL J. SEFFEL

* Granted SCD – Salary Supplemental

** Granted SCD - Retroactive

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
47D*	ANDREW C. BOETTCHER
48D	GEORGE R. LIVOTI
49D	EDWARD M. NORDSKOG

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Pryor, 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>
1115B**	GERALD P. COSEY
1116B	MICHAEL D. ARRUDA
1117B	PHIL A. NAVARRO
1118B	ROBERT M. EMERSON
1119B	JOHN M. MCFAUL
1120B	TODD J. STEINLE
1121B	MICHAEL J. DODD

* Granted SCD - Retroactive

** Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1122B	CATARINO S. OSEGUEDA
1123B	WILLIAM E. LENZEN
1124B	ERIC R. PATTON
1125B*	JOHN B. TRIPP, JR.
1126B	GLEN A. CROW
1127B**	JERRY L. THOMSEN
1128B	EDWARD F. MARTINEZ
1129B	GEORGE NEVAREZ
1130B	STEVEN D. FORD
1131B**	SCOTT D. BERNHOFT
1132B***	DAVID L. THIES
1133B	RUSSELL V. FAGAN (DEC'D)

* Granted SCD Retroactive – Employer Cannot Accommodate

** Granted SCD - Retroactive

*** Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Walsh, 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>
2955B	JOHNNY W. HERNANDEZ
2956B	MARY E. MORROW
2957B**	CHRISTINE A. STEPHENS-JOHNSON
2958B***	EDGAR SANTOS
2959B*/****	YUDORA V. MELENDREZ
2960B*****	DONNA GOLDSTEIN
2961B	MARCIE A. RUBIN
2962B**	GOHAR TORANYAN
2963B	CHERYL EPPS

* Member Present

** Granted SCD – Employer Cannot Accommodate

*** Granted SCD – Salary Supplement

**** Granted SCD – Retroactive

***** Granted SCD Retroactive – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2964B*	SANDRA M. STEELE
2965B*	BERNADETTE WILLIAMS
2966B*	ELIZABETH A. PADILLA

IX. REPORTS

- 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, 2019)

This Item was received and filed.

X. ITEMS FOR STAFF REVIEW

There was nothing to report.

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

Mr. Harris thanked all staff for their continued commitment and service.

Mr. Kelly shared that Los Angeles County received a one-notch upgrade to AA-plus by Fitch Ratings. In addition, he shared that June is Pride Month.

Lastly, Mr. Bernstein recognized June 6th as the 75th anniversary of D-Day, as well as recognizing June as Pride Month.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5070B – JACQUELINE MEDINA

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 by all Board members present.

5071B – DELOID FOOTS

Mr. Okum made a motion, Mr. Harris 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.

5072B – LINDA L. OLIVAS

Mr. Harris made a motion, Mr. Okum seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously by all Board members present.

5073B – KENG-YEH CHAO (DECEASED)

(Mr. Robbins was not present for this case.)

Mr. Harris made a motion, Mr. Pryor seconded, to deny a service connected disability retirement and find that the application was not filed timely under Government Code Section 31720.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5073B – KENG-YEH CHAO (DECEASED)

Ms. Gray made a substitute motion, Mr. Harris seconded, to send back to staff for additional information. The motion failed (roll call) with Messrs. Bernstein, Pryor, Kelly, Santos, Walsh, and Okum voting no; and Mrs. Zapanta-Murphy and Ms. Gray voting yes.

The original motion to deny a service connected disability retirement and find that the application was not filed timely under Government Code Section 31720 passed with Ms. Gray voting no.

5074B – ANITA A. WILLIAMS

(Mr. Robbins was not present for this case.)

Mr. Okum made a motion, Mr. Pryor seconded, to deny a service connected disability retirement and deny without prejudice since the employer can accommodate. The motion passed unanimously by all Board members present.

5075B – ELLEN L. KUCH*

(Mr. Robbins was not present for this case.)

Mr. Bernstein made a motion, Mr. Okum seconded, to grant a nonservice-connected disability retirement

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5075B – ELLEN L. KUCH

pursuant to Government Code Sections 31720 and 31724.

Mr. Bernstein made a substitute motion, Mr. Santos seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724 with a two year review. The motion passed unanimously by all Board members present.

5076B – AMELIA C. CASADO

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

5077B – DAWLOY BUNTEUNG

Mr. Okum made a motion, Mr. Robbins seconded, to deny a service connected disability without prejudice since the employer can accommodate. The motion passed unanimously by all Board members present.

5015B – SERGIO C. ROMERO

Mr. Bernstein made a motion, Mr. Okum seconded, to send back to staff for further information.

Ms. Gray made a substitute motion, Mr. Santos seconded, to grant a service connected disability. The motion failed (roll call) with Messrs.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5015B – SERGIO C. ROMERO

Bernstein, Pryor, Kelly, Robbins, Walsh, and Okum voting no; and Mrs. Zapanta-Murphy, Ms. Gray, and Mr. Santos voting no.

The motion to send back to staff for further information passed (roll call) with Messrs. Bernstein, Pryor, Kelly, Robbins, Walsh, Santos, Okum, Mrs. Zapanta-Murphy, and Ms. Gray voting yes.

5028B – ROBERT J. RENKO

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

Mr. Kelly made a substitute motion, Mr. Santos seconded, to deny a service-connected disability retirement. The motion passed (roll call) with Messrs. Okum, Robbins, Santos, Walsh, Bernstein, Kelly, Mrs. Zapanta-Murphy voting yes; and Mr. Pryor, Robbins, and Ms. Gray voting no.

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

OSCAR G. RAMOS – Thomas Wicke for the applicant
Jason E. Waller for the respondent

Mr. Santos made a motion, Mr. Kelly seconded, to deny a service-connected

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Disability Retirement Appeals (Continued)

disability retirement and grant a nonservice-connected disability retirement pursuant to Government Code Section 31726(b)(2).

Mr. Santos made a substitute motion, Mr. Pryor seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Pryor, Okum, Walsh, Santos, Robbins, Bernstein, Ms. Gray voting yes; and Mr. Kelly and Mrs. Zapanta-Murphy voting no.

C. Staff Recommendations

Mr. Pryor made a motion, Mr. Okum seconded, to approve the following items. The motion passed unanimously with all Board members present.

1. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject the application of Becky A. Goulet for processing. (Memo dated May 20, 2019)
2. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject the application of Louis R. Ruiz for processing. (Memo dated May 20, 2019)
3. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find 1) That Herman G. Cortez delayed filing his application for disability retirement because he was unable to ascertain the permanency of his incapacity; 2) That his application is deemed filed on the day after the last day of regular compensation in accordance with Government Code Section 31724; and 3) That he is entitled to the option of an earlier effective date. (Letter dated May 14, 2019)

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

4. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find 1) That Raymond Yliz delayed filing his application for disability retirement because he was unable to ascertain the permanency of his incapacity; 2) That his application is deemed filed on the day after the last day of regular compensation in accordance with Government Code Section 31724; and 3) That he is entitled to the option of an earlier effective date. (Letter dated May 16, 2019)
5. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoices for Gutierrez, Preciado & House, LLP. (Memo dated May 21, 2019)
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 May 20, 2019)

XIII. EXECUTIVE SESSION

A. Conference with Legal Counsel – Existing Litigation
Paragraph (1) of Subdivision (d) of Section 54956.9

1. Foster v. Board of Retirement
(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 10:45 a.m.

June 5, 2019

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

1. Update on Assembly Bill 664 (Memo dated May 28, 2019)

SIGNATURE ON FILE

GINA ZAPANTA-MURPHY, SECRETARY

SIGNATURE ON FILE

ALAN BERNSTEIN, CHAIR