

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., THURSDAY, OCTOBER 10, 2019

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

ABSENT: JP Harris (Alternate Retired)

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

Francis J. Boyd, Senior Staff Counsel

Allison E. Barrett, Senior Staff Counsel

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Vivian W. Shultz, Attorney at Law

I. CALL TO ORDER

The meeting was called to order by Mr. Bernstein at 9:00 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Ms. Gray 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 September 12, 2019

Mr. Okum made a motion, Mr. Walsh seconded, to approve the minutes of the regular meeting of September 12, 2019. The motion passed unanimously by all members present.

IV. PUBLIC COMMENT

There were no requests from the public to speak.

V. CONSENT ITEMS

A. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeals and request for an administrative hearing for applicants Megumi Yamamoto, Samel L. Hardiman, Ronald Kalthoff, and Maria E. Garibay. (Memo dated September 26, 2019)

V. CONSENT ITEMS (Continued)

Mr. Bernstein made a motion, Mr. Kehoe seconded, to approve staff's recommendation. The motion passed unanimously by all members present.

VI. EXCLUDED CONSENT ITEMS

There were no items discussed.

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, 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>
95D	JOHN A. KEPLEY
96D*	BYRON K. WARD
97D	ROBERT J. NICHOL
98D	ALICIA T. WILLIAMS
99D	CHRISTIAN M. ZUNIGA
100D	MICHAEL A. RODI
101D**	KEVIN E. HEBERT

* 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>
102D*	LAWRENCE S. BARNES
103D*	MICHAEL R. CAOUETTE
104D	DON J. STECK
105D	STEVEN L. SYLVIES

Safety Fire, Lifeguards
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>
1155B	MICHAEL L. MCHARGUE
1156B	DAVID W. HOSCH
1157B**	WAYNE S. HABELL (DEC'D)
1158B	DAVID A. ENRIQUEZ
1159B***	ROGER MURRAY

* Granted SCD – Retroactive

** Granted SCD – Survivor Benefit

*** Granted SCD – 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>
1160B	JULIAN E. JIMENEZ
1161B	SCOTT C. FULTON
1162B	GEORGE A. CRUZ
1163B*	JAMES R. PAVEY
1164B	VINCENT DOMINGUEZ
1165B	DANIEL W. BERKOWITZ

General Members
Service-Connected Disability Applications

On a motion by Mr. Knox, 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>
2003C	HELEN SHELBY-BROWN
2004C	SHONTE S. DUDLEY
2005C*	SUSAN M. CARLON
2006C	ERIC D. FERNANDEZ
2007C**	KRISTOFF D. FREDRICK

* Granted SCD – Retroactive

** Granted SCD – Salary Supplemental

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2008C*	CAROLYN DASHER
2009C**	SHAWN CHIQUETTE
2010C**	JASON A. CASE

General Members
Nonservice-Connected Disability Applications

On a motion by Mr. Knox, seconded by Ms. Gray, the Board of Retirement approved a nonservice-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>
4389	SHANON JACKSON

VIII. REPORTS

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated September 26, 2019)

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

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

IX. ITEMS FOR STAFF REVIEW

There was nothing to report.

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

Mr. Bernstein wished those celebrating, a meaningful Yom Kippur.

Mr. Rice reminded the Board of the Joint Board meeting taking place on October 16 and October 17 to conduct the CEO interviews.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5103B – PHILIP D. WILKES

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

5104B – SARAH C. GILLIS

Mr. Kehoe made a motion, Mr. Santos seconded, to grant a service connected disability with a two year review. The motion passed unanimously by all members present.

5105B – MARIA D. CHACON

Mr. Robbins made a motion, Mrs. Zapanta-Murphy seconded, to grant a nonservice-connected disability pursuant to Government Code Section 31720 and 31724. The motion passed unanimously by all members present.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5106B – JAMES E. WILLIAMS III

Mr. Robbins made a motion, Ms. Gray seconded, to grant a service-connected disability retirement based on the medical advisors opinion. The motion passed unanimously by all members present.

5107B – MARISSA MELENDEZ

Mr. Kehoe made a motion, Mr. Pryor seconded, to grant a service-connected disability retirement with a salary supplemental.

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

5108B – MICHELLE R. NICHOLS

Ms. Gray made a motion, Mr. Santos seconded, to refer back to staff for further information. The motion passed unanimously by all members present.

6857A – TAMMIE D. ECKFORD

Mr. Santos made a motion, Mr. Robbins seconded, to grant a service-connected disability pursuant to Government Code Sections 31720 and 31724 since the employer cannot accommodate.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

N4102DRAC – Danny T. Polhamus for the applicant
Vivian W. Shultz for the respondent

Mr. Okum made a motion, Mr. Robbins seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated.

Mr. Pryor made a motion Mr. Knox seconded, to refer back to staff for further development. The motion passed (roll call) with Messrs. Okum, Kehoe, Knox, Robbins, Santos, Walsh, Bernstein, Ms. Gray, and Ms. Zapanta-Murphy voting yes.

C. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board instruct staff to close Robert H. Aldrete's Application for Disability Retirement. (Memo dated September 27, 2019)

Mr. Robbins made a motion, Mr. Knox seconded, to approve staff's 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 1) That Jose D. Gustillo delayed filing his application for disability retirement because he was unable to ascertain the permanency of his incapacity until after the day following his last day of regular compensation; 2) That his application be deemed filed on the day after his last day of regular compensation in accordance with

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

Government Code Section 31724; and 3) That he is entitled to the option of an earlier effective date. (Letter dated September 16, 2019)

Mr. Robbins made a motion, Mr. Knox seconded, to approve staff's 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 1) That John W. Kemp delayed filing his application for disability retirement because he was unable to ascertain the permanency of his incapacity until after the day following his last day of regular compensation; 2) That his application be deemed filed on the day after his 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 September 16, 2019)

Mr. Robbins made a motion, Mr. Knox seconded, to approve staff's recommendation. The motion passed unanimously by all Board members present.

4. 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 September 27, 2019)

Mr. Robbins made a motion, Mr. Knox seconded, to approve staff's recommendation. The motion passed unanimously by all Board members present.

XII. EXECUTIVE SESSION

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

1. Nunez v. Board of Retirement

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

XIII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:41 a.m.

SIGNATURE ON FILE

GINA ZAPANTA-MURPHY, SECRETARY

SIGNATURE ON FILE

ALAN BERNSTEIN, CHAIR