

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., THURSDAY, OCTOBER 10, 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 September 12, 2019
- IV. PUBLIC COMMENT
- 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)
- VI. EXCLUDED CONSENT ITEMS
- VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR
- 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)
- IX. ITEMS FOR STAFF REVIEW

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

- XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION
 - A. Applications for Disability

 - B. Disability Retirement Appeals

 - 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)

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

 - 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)

 - 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)

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

XIII. 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

8:30 A.M., THURSDAY, SEPTEMBER 12, 2019

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

ABSENT: Les Robbins, Vice Chair

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

Eugenia W. Der, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS

Francis J. Boyd, Senior Staff Counsel

Allison E. Barrett, Senior Staff Counsel

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Steven R. Rosales, 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

Mr. Walsh 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 August 15, 2019

Mr. Okum made a motion, Mr. Pryor seconded, to approve the minutes of the regular meeting of August 15, 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 Thomas P. Whalen, Lizandro Salas, Cheryl Ajirogi, and Deanna L. Santino. (Memo dated August 29, 2019)

V. CONSENT ITEMS (Continued)

Ms. Gray made a motion, Mr. Harris 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. 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>
89D	MICHAEL A. RICH
90D*	VERONICA BAEZA
91D*	MARK W. BOCK
92D	JAMES A. MILLAGE
93D	HENRY M. CORRAL
94D	DAVID J. POLING

* Granted SCD – Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards
Service-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>
1149B	THOMAS B. KELLEY
1150B	TODD D. WOODS
1151B	GLENN D. SMITH
1152B	JAMES V. SHANDRICK
1153B	BERNARD J. AMENT, JR.
1154B	KENNETH E. RENZ

General Members
Service-Connected Disability Applications

On a motion by Mr. Knox, 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>
2995B*	JACQUELINE A. DEAN

* 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>
2996B*	EDWARD SALAME
2997B**	LORRAINE H. TOWNSEND
2998B**	DANIELLE MARIE HAMILTON
2999B***	MARGO L. MCGEE
2000C**	JACKSON BRENT FISHER
2001C**	MARIA CUENCA
2002C****	MICHALE A. STREET

General Members
Nonservice-Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Knox, 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>
4387*****	FLORENCE F. ELEHINAFE
4388	JOHN G. CABULA

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Retroactive

***Granted SCD – Retroactive Since Employer Cannot Accommodate

****Granted SCD – Salary Supplement Since Employer Cannot Accommodate

*****Granted NSCD – Retroactive

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 August 26, 2019)

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

IX. ITEMS FOR STAFF REVIEW

The Board requested that the progress on the Case Management System be provided to the Board on a routine basis. Lastly, the Board requested information regarding the statute for disability retirement approvals be provided in order to consider the Boards options in approving disability retirement cases.

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

Board members honored the victims of September 11th.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

- A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5097B – SCOTT R. LARUE (DEC'D)

Mr. Pryor made a motion, Mr. Harris seconded, to deny a service- connected disability retirement without prejudice.

Ms. Gray made a substitute, Mr. Santos seconded, to refer back to staff for further information.

Mr. Pryor made a substitute motion, Ms. Gray seconded, to grant a service connected disability retirement based on the opinion of LACERA's Medical

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
5097B – SCOTT R. LARUE (DEC'D)	Advisor. The motion passed (roll call) with Messrs. Pryor, Santos, Walsh, Ms. Gray, and Mrs. Zapanta-Murphy voting yes; and Messrs. Okum, Knox, Harris, and Bernstein voting no.
5098B – RAYMOND ORTIZ (DEC'D)	Ms. Gray made a motion, to refer back to staff for additional information, but failed without a second. Mr. Okum made a motion, Mr. Santos seconded, to grant a service connected disability retirement based on the opinion of LACERA's Medical Advisor.
5099B – LORI LISA S. JOHNSON	This case was pulled by the member.
5100B – BARBARA C. YU	Mr. Knox 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.
5101B – TERRIL L. LOVE*	Mr. Knox 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 Board members present.

* Applicant Present

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5102B – LANETTE C. POPE

Ms. Gray made a motion, Mr. Walsh seconded, to grant a nonservice-connected disability retirement retroactive. The motion passed unanimously by all Board members present.

5015B – SERGIO C. ROMERO

Mr. Pryor made a motion, Mr. Bernstein seconded to grant a service-connected disability retirement pursuant to Government Code Section 31720 since the employer cannot accommodate. The motion passed unanimously by all Board members present.

5067B – BILLY B. JOHNSON (DEC'D)

Mr. Knox made a motion, Mr. Okum seconded, to deny a service connected disability survivor benefit. The motion passed unanimously by all Board members present.

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

AUGUA A. ANDREWS – Steven R. Rosales for the applicant
Allison E. Barrett for the respondent

Mr. Bernstein made a motion, Mr. Knox seconded, to deny a service-connected disability retirement, per Government Code Section 31722. The motion passed (roll call) with Messrs. Pryor, Knox, Okum, Walsh, Santos, Harris, Bernstein, Ms. Gray, and Mrs. Zapanta-Murphy voting yes.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Disability Retirement Appeals (Continued)

APPLICATION NO. & NAME

BOARD ACTION

CAROLINE R. TAYLOR – In Pro Per

Eugenia W. Der for the respondent

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

Mr. Pryor made a substitute motion, Mr. Harris seconded, to refer back to staff for additional information.

Ms. Gray made a substitute, Mr. Santos seconded, to grant a service-connected disability retirement. The makers of the motion withdrew their motion.

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

C. Staff Recommendations

1. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel: That the Board find 1) That Katrina Knight delayed filing her application for disability retirement because she was unable to ascertain the permanency of her incapacity; 2) That her application be deemed filed on the day after her last day of regular compensation; and 3) That she is entitled to the option of an earlier effective date.
(Letter dated August 21, 2019)

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

Mr. Santos 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 Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for Irene Ayala. (Memo dated August 29, 2019)

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

XII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:30 a.m. in memory of the victims of September 11th.

GINA ZAPANTA-MURPHY, SECRETARY

ALAN BERNSTEIN, CHAIR



September 26, 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 OCTOBER 10, 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:

5084B	Megumi Yamamoto	Michael Treger	Deny SCD – Grant NSCD
5091B	Samel L. Hardiman	In Pro Per	Deny SCD – Grant NSCD
5092B	Ronald Kalthoff	In Pro Per	Deny SCD – Grant NSCD With the Option of an Earlier Effective Date
5096B	Maria E. Garibay	In Pro Per	Deny SCD

RC:kw

Memo. New Appeals.docx



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**

September 26, 2019

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager 
Disability Retirement Services

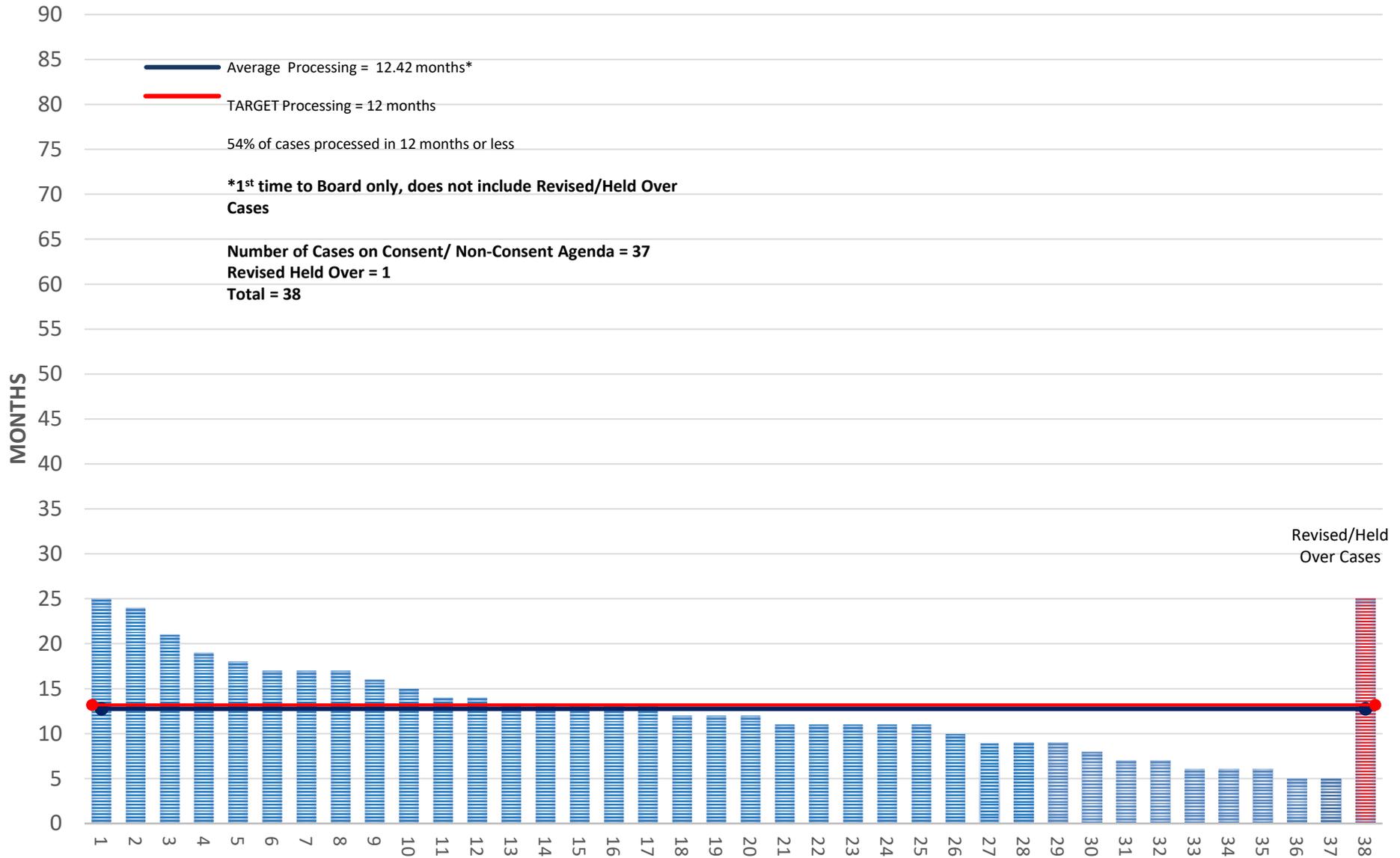
FOR: October 10, 2019 Board of Retirement Meeting

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 October 10, 2019 Disability Retirement Applications Agenda.

Consent & Non-Consent Calendar	
Number of Applications	37
Average Processing Time (in Months)	12.42
Revised/Held Over Calendar	
Number of Applications	1
Processing Time Per Case (in Months)	Case 1 25
Total Average Processing Time Revised/Held Over Calendar	25.00
Total Average Processing Time All 38 Cases on Agenda	12.77

CASE PROCESSING TIME



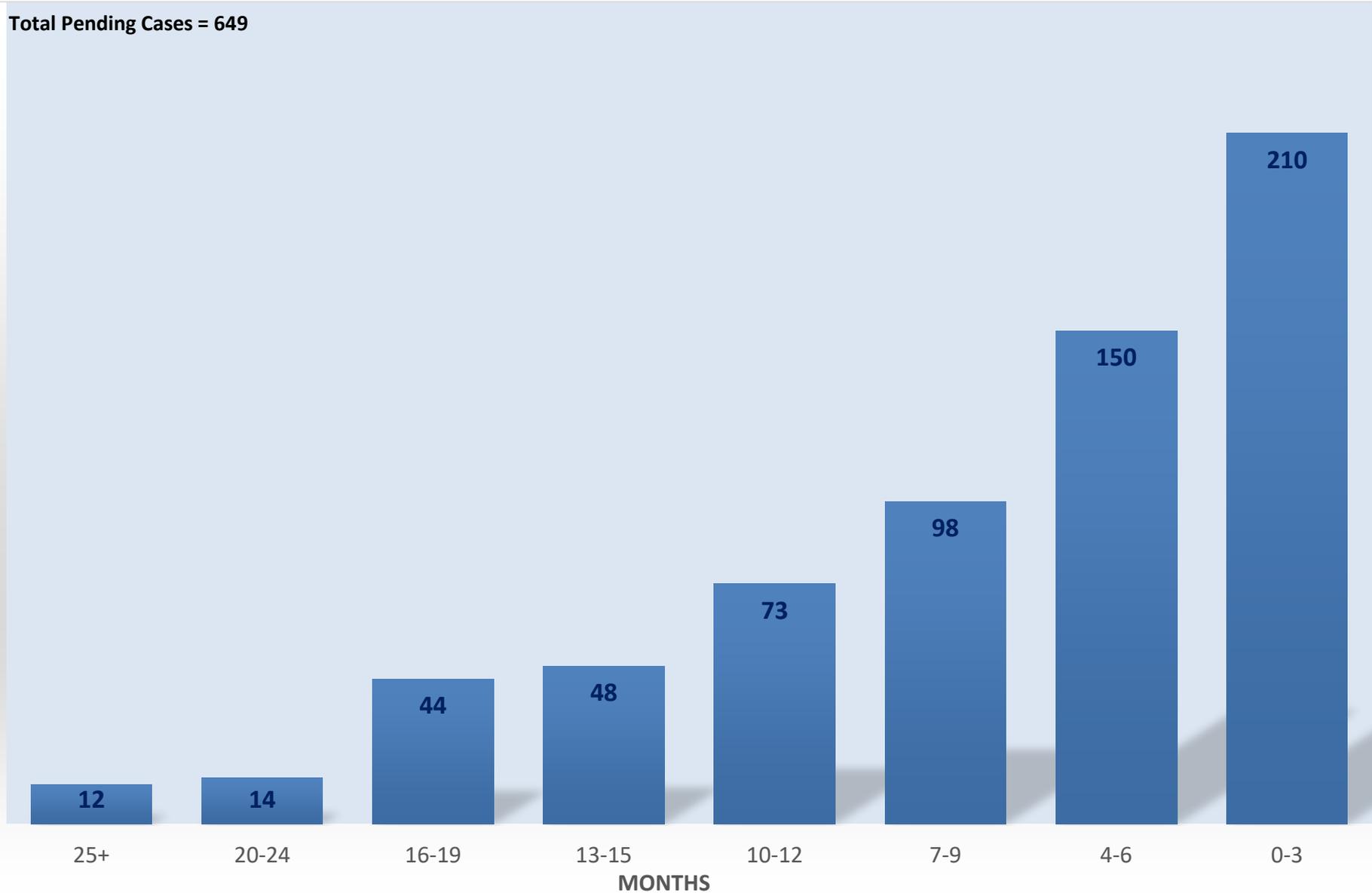
As of September 26, 2019

October 10, 2019 AGENDA

PENDING APPLICATIONS/TIME INTERVALS

Total Pending Cases = 649

NUMBER OF APPLICATIONS



As of September 26, 2019



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