

# VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

## BOARD OF RETIREMENT

### DISABILITY MEETING

March 4, 2013

#### MINUTES

**DIRECTORS** William W. Wilson, Chair, Public Member  
**PRESENT:** Tracy Towner, Vice Chair, Safety Employee Member  
Steven Hintz, Treasurer-Tax Collector  
Peter C. Foy, Public Member  
Albert G. Harris, Public Member  
Joseph Henderson, Public Member  
Tom Johnston, General Employee Member  
Arthur E. Goulet, Retiree Member  
Chris Johnston, Alternate Employee Member  
Will Hoag, Alternate Retiree Member

**DIRECTORS** Deanna McCormick, General Employee Member  
**ABSENT:**

**STAFF** Henry Solis, Chief Financial Officer  
**PRESENT:** Lori Nemiroff, Assistant County Counsel  
Glenda Jackson, Program Assistant  
Angie Tolentino, Retirement Benefits Specialist

**PLACE:** Ventura County Employees' Retirement Association  
Second Floor Boardroom  
1190 South Victoria Avenue  
Ventura, CA 93003

**TIME:** 9:00 a.m.

**ITEM:**

#### I. **INTRODUCTION OF MEETING**

Chairman Wilson called the Disability Meeting of March 4, 2013, to order at 9:00 a.m.

**II. APPROVAL OF AGENDA**

Mr. Goulet recommended that Agenda item V., M<sup>cube</sup> Governance Application Presentation, be moved after item VII. Staff requested the agenda be amended to add page two to Agenda item VII.A.1, Application for Service Connected Disability Retirement; Linda M. Boggess, Case No. 11-011, which was omitted from the original Agenda packet.

MOTION: Mr. Goulet moved, seconded by Judge Hintz, to approve the agenda as amended.

Motion passed unanimously. Ms. McCormick absent. Mr. C. Johnston voting.

**III. APPROVAL OF MINUTES**

A. Business Meeting of February 25, 2013.

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to approve the minutes of February 25, 2013. Ms. Nemiroff noted that Mr. Foy was not listed as a Director present or absent. The minutes will be corrected to add Mr. Foy.

Motion passed unanimously. Ms. McCormick absent. Mr. C. Johnston voting.

**IV. CONSENT AGENDA**

A. Reams Investment Manager Guidelines update.

MOTION: Mr. Henderson moved, seconded by Mr. Harris, to approve the Consent Agenda.

Motion passed unanimously. Ms. McCormick absent. Mr. C. Johnston voting.

**VI. PENDING DISABILITY APPLICATION STATUS REPORT**

MOTION: Mr. Henderson moved, seconded by Mr. T. Johnston, to receive and file the pending disability application status report.

Motion passed unanimously. Ms. McCormick absent. Mr. C. Johnston voting.

Mr. Goulet and Mr. Towner requested information as to the reason for delay in hearing two applications in which the County CEO-Risk Management had withdrawn its challenge. Paul Hilbun, County CEO-Risk Management, responded that the analysis would be forthcoming.

**VII. APPLICATIONS FOR DISABILITY RETIREMENT**

A. Application for Service Connected Disability Retirement; Linda M. Boggess, Case No. 11-011.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Louis M. Zigman, dated December 28, 2012.
2. Respondent's reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated January 9, 2013.
3. Hearing Notice.

Stephen D. Roberson was present representing the County of Ventura Risk Management. The applicant, Linda M. Boggess, was present. The applicant stated she wished to withdraw her application.

After statements by both parties and discussion, the following motion was made:

MOTION: Mr. Goulet moved, seconded by Judge Hintz, to deny the

**VII. APPLICATIONS FOR DISABILITY RETIREMENT (continued)**

- B. Application for Service Connected Disability Retirement; Patricio C. Caliboso, Case No. 12-010. (continued)

B. Derek Straatsma was present representing the County of Ventura. The applicant, Patricio C. Caliboso, was present.

Following statements by both parties, and discussion, the following motion was made:

MOTION: Mr. Foy moved, seconded by Mr. Henderson, to adopt the hearing officer's recommendation finding that the applicant, Patricio C. Caliboso, failed to meet his burden of proof that he is permanently disabled from the performance of his duties and to deny the application for service connected disability retirement.

Motion passed unanimously. Ms. McCormick absent. Mr. C. Johnston voting.

- C. Application for Service Connected Disability Retirement; Joyce Houde, Case No. 11-009.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Paul Crost, dated January 10, 2013.

2. Applicant's Objection to Recommendation of Hearing Officer, Submitted by Anthony R. Strauss, Dated January 22, 2013.

3. Respondent's reply to Applicant's Written Objections to Recommendation of Hearing Officer, Submitted by B. Derek Straatsma, Attorney at Law, dated January 31, 2013.

- C. 4. Supplement to Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Paul Crost, dated February 2, 2013.

5. Hearing Notice.

B. Derek Straatsma was present representing the County of Ventura. Anthony R. Strauss, Attorney at Law, was present representing the applicant. The applicant, Joyce Houde, was present.

Following statements by both parties, and discussion, the following motion was made:

VII. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- C. Application for Service Connected Disability Retirement; Joyce Houde, Case No. 11-009. (continued)

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to adopt the hearing officer's recommendations that the application for service connected disability retirement be denied on the basis that her employment as a Sheriff's Service Technician was not a substantial cause of her incapacity and that the application for non-service connected disability retirement be granted.

Motion passed unanimously. Ms. McCormick absent. Mr. C. Johnston voting.

- D. Application for Non-Service and Service Connected Disability Retirement; Michael Wheat, Case No. 11-017.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Richard C. Anthony, dated January 29, 2013.
2. Applicant's Objection to Recommendation of Hearing Officer, Submitted by Steven R. Pingel, Dated January 29, 2013.
3. Respondent's Objection to Applicant's Objections to Recommendation of Hearing Officer, Submitted by B. Derek Straatsma, Attorney at Law, dated February 1, 2013.
4. Hearing Notice.

B. Derek Straatsma was present representing the County of Ventura. Steven R. Pingel, Attorney at Law, was present representing the applicant. The applicant, Michael Wheat, was not present.

Following statements by both parties, and discussion, the following motion was made:

MOTION: Mr. Foy moved, seconded by Mr. Henderson, to adopt the hearing officer's recommendation finding that the applicant, Michael Wheat, failed to meet his burden of proof that he is permanently disabled from the performance of his duties and to deny the application for service connected disability retirement.

Motion passed unanimously. Ms. McCormick absent. Mr. C. Johnston voting.

**V. M<sup>cube</sup> GOVERNANCE APPLICATION PRESENTATION**

Scott Carcillo, CEO, M<sup>cube</sup> presented an overview of the investment governance application with VCERA-specific data for the third and fourth quarters of 2012.

After discussion, Mr. Carcillo agreed that M<sup>cube</sup> would provide a 120-day trial review of the application to all interested trustees and staff.

The Board requested that the RFP Ad Hoc Committee charged with the investment consultant search incorporate data requirements similar to what was contained in the M<sup>cube</sup> demonstration into the request for proposal.

**VIII. NEW BUSINESS**

A. SACRS 2013 Spring Conference Information.

Mr. Wilson appointed Mr. Hoag as the voting delegate. No action taken to appoint an alternate.

**IX. PUBLIC COMMENT**

None.

**X. BOARD MEMBER COMMENT**

Mr. C. Johnston stated Artio was recently purchased by Aberdeen.

Mr. Towner requested that the current disability application be reviewed so applicants who check "no" in the section that states, "I would accept another position with the County which would not result in any loss of income to me and which I would be able to perform," are not damaged by making that election. Perhaps additional language can be added to better clarify the intent of this section. Ms. Nemiroff stated that this, along with other aspects of the disability process, including delay reduction, is currently being reviewed by Annette Paladino.

Mr. T. Johnston stated that he was concerned that some disability retirement applicants are coming in without representation and wanted to be assured they are being informed of their right to seek counsel when they submit a disability retirement application. He was assured this is part of the process when someone submits a disability application.

Mr. Towner stated he was concerned about the length of time it takes to present the report to the Board from County CEO-Risk Management when a disability will not be challenged. He stated that many applicants do not have any type of long term disability and delays could present a financial burden to the applicant.

XI. ADJOURNMENT

The meeting was adjourned at 11:31 a.m.

Respectfully submitted,



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HENRY SOLIS, Chief Financial Officer

Approved,



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WILLIAM W. WILSON, Chairman