

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

JUNE 4, 2012

MINUTES

**DIRECTORS
PRESENT:**

William W. Wilson, Chair, Public Member
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
Robert Hansen, General Employee Member
Tom Johnston, General Employee Member
Arthur E. Goulet, Retiree Member
Chris Johnston, Alternate Employee Member
Will Hoag, Alternate Retiree Member

**DIRECTORS
ABSENT:**

None.

**STAFF
PRESENT:**

Donald C. Kendig, Retirement Administrator
Lori Nemiroff, Assistant County Counsel
Chantell Garcia, Program Assistant

PLACE:

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

TIME:

9:01 a.m.

ITEM:

I. INTRODUCTION OF MEETING

Chairman Wilson called the Disability Meeting of June 4, 2012, to order at 9:01 a.m.

II. APPROVAL OF AGENDA

Mr. Towner asked about the minutes. Mr. Kendig reported that the minutes of April 16, 2012 have taken several hours due to transcribing the smoothing of the smoothing item, and the Minutes of May 21, 2012 will be ready soon after.

MOTION: Mr. Goulet moved, seconded by Mr. Henderson to approve the agenda.

Motion passed unanimously.

III. PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Mr. Harris moved, seconded by Judge Hintz to receive and file the pending disability application status report.

Motion passed unanimously.

IV. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Service Connected Disability Retirement; Maria A. Christine, Case No. 10-018.

1. Application for Service Connected Disability Retirement and Supporting Documentation.
2. Hearing Notice.

Paul Hilbun was present representing the County of Ventura, Risk Management. Stephen D. Roberson, Attorney at Law, was present representing the County of Ventura, Risk Management. The applicant, Maria A. Christine, was present representing herself.

Both parties accepted into the record pages 1 through 120 of the Application for Service Connected Disability Retirement.

Both parties declined an offer to make a statement.

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to approve Risk Management's recommendation and grant the applicant, Maria A. Christine, a service connected disability retirement.

Motion passed unanimously.

Both parties agreed to waive preparation of Findings of Fact and Conclusions of Law.

IV. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

B. Application for Service Connected Disability Retirement; Patrick MacAuley, Case No. 10-007.

1. Application for Service Connected Disability Retirement and Supporting Documentation.
2. Hearing Notice.

Paul Hilbun was present representing the County of Ventura, Risk Management. The applicant, Patrick MacAuley, did not appear, nor was he represented.

Risk Management accepted into the record pages 1 through 220 of the Application for Service Connected Disability Retirement.

Risk Management declined an offer to make a statement.

Following a discussion by the Board, the following motion was made.

MOTION: Mr. Foy moved, seconded by Mr. Hansen, to approve Risk Management's recommendation and grant the applicant, Patrick MacAuley, a service connected disability retirement.

Motion passed. Mr. Goulet abstained because there was insufficient information on blood thickness.

Risk Management agreed to waive preparation of Findings of Fact and Conclusions of Law.

C. Application for Non-Service Connected Disability Retirement; Joan L. Norris, Case No. 12-009.

1. Application for Non-Service Connected Disability Retirement and Supporting Documentation.
2. Hearing Notice.

Paul Hilbun was present representing the County of Ventura, Risk Management. Joseph Norris, applicant's spouse, was present representing the applicant, Joan L. Norris, who was not present.

Both parties accepted into the record pages 1 through 35 of the Application for Non-Service Connected Disability Retirement.

IV. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- C. Application for Non-Service Connected Disability Retirement; Joan L. Norris, Case No. 12-009. (continued)

Risk Management declined an offer to make a statement.

Mr. Norris made a statement on behalf of his wife.

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to approve Risk Management's recommendation and grant the applicant, Joan L. Norris, a non-service connected disability retirement.

Motion passed unanimously.

Both parties agreed to waive preparation of Findings of Fact and Conclusions of Law.

- D. Application for Service Connected Disability Retirement; Patricia A. Gonzales, Case No. 10-035.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer, Kenneth A. Perea, dated April 4, 2012.
2. Respondent's Objection to Recommendation of Hearing Officer, Submitted by John I. Gilman, Attorney at Law, dated April 16, 2012.
3. Applicant's Reply to Respondent's Objections to Recommendation of Hearing Officer, Submitted by Patricia A. Gonzales, dated April 25, 2012.
4. Hearing Notice.

The Board also received a written request for a continuance from Mr. John I. Gilman, Attorney at Law, for the County of Ventura, Risk Management.

Paul Hilbun was present on behalf of the County of Ventura, Risk Management. The applicant, Patricia A. Gonzales, was present representing herself.

Mr. Hilbun stated that Mr. Gilman was not able to be present as he suffered an injury over the weekend. Mr. Hilbun further stated that Mr. Gilman prepared the objections and therefore he, Mr. Hilbun, was not

IV. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- C. Application for Non-Service Connected Disability Retirement; Joan L. Norris, Case No. 12-009. (continued)

prepared to argue the case. Mr. Goulet also indicated that he had questions for Mr. Gilman regarding this case.

MOTION: Mr. Goulet moved, seconded by Mr. T Johnston, to continue the hearing of this case, for a service connected disability retirement for Patricia A. Gonzales, to the next Board of Retirement Disability Meeting.

Motion passed unanimously.

- E. Application for Service Connected Disability Retirement; Christina A. Valle, Case No. 11-015.

1. Request for the Applicant to attend an Independent Medical Evaluation by Dr. Richard Rosenberg and continue the hearing set for July 10, 2012, Submitted by Stephen D. Roberson, dated April 26, 2012.
2. Applicant's Objection to the Request for the Applicant to attend an Independent Medical Evaluation and continue the hearing set for July 10, 2012, Submitted by Edward L. Faunce, Attorney at Law, dated May 11, 2012.

Paul Hilbun was present representing the County of Ventura, Risk Management. Stephen D. Roberson, Attorney at Law, was present representing the County of Ventura, Risk Management. The applicant, Christina A. Valle, was not present, nor was her counsel, Edward L. Faunce, Attorney at Law.

Risk Management made a brief statement.

MOTION: Mr. Hintz moved, seconded by Mr. Henderson, to grant an Order for an Independent Medical Evaluation based on Section 17 of the Disability Hearing Procedures.

Motion passed unanimously.

V. NEW BUSINESS

A. 2012 – 13 Proposed Administrative and Information Technology Budget.

Mr. Kendig presented the 2012-13 proposed budget. Several questions were offered by the Board.

Following Board discussion, it was determined that with the absence of Mr. Solis, VCERA's CFO, it would be best to hold another presentation of the budget until Mr. Solis was available.

Mr. Kendig recommended that the Board members provide Mr. Solis with any questions they may have regarding the budget prior to the next meeting.

MOTION: Mr. Towner moved, seconded by Mr. Hansen, to table the 2012-13 proposed budget.

Motion passed unanimously.

VI. PUBLIC COMMENT

Mr. Kendig commented that he had provided the Board with two hand-outs. One was a letter from our outside auditor. The other was the written request for a continuance from Mr. John I. Gilman, Attorney at Law mentioned under item IV. D. Mr. Goulet asked why the signature in the letter was the audit firm instead of an individual. Mr. Kendig referred Mr. Goulet to the VCERA CAFR and indicated that it was an industry practice to sign with the firm's name.

Mr. Kendig reported to the Board that their iPads would be available later this week or the following week. The issuance of the iPads was the next phase in the electronic agenda project. Discussion by the Board followed.

Mr. Kendig concluded by announcing that there would be another photo opportunity at the June 18, 2012 Board meeting.

VII. BOARD MEMBER COMMENT

Mr. Goulet inquired if the documents for the Patricia A. Gonzales, Service Connected Disability case should be returned to staff.

Mr. Kendig replied that the Board may leave their documents as long as the documents did not contain any written notes.

VIII. ADJOURNMENT

There being no further items of business before the Board, Chairman Wilson adjourned the meeting at 9:58 a.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,



WILLIAM W. WILSON, Chairman