

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

OCTOBER 1, 2012

MINUTES

DIRECTORS
PRESENT:

William W. Wilson, Chair, Public Member
Tracy Towner, Vice Chair, Safety Employee Member
Steven Hintz, Treasurer-Tax Collector
Albert G. Harris, 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:

Peter C. Foy, Public Member
Joseph Henderson, Public Member

STAFF
PRESENT:

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

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 October 1, 2012, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

MOTION: Mr. Harris moved, seconded by Mr. T. Johnston to approve the agenda.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

III. APPROVAL OF MINUTES

A. Disability Meeting of September 10, 2012.

MOTION: Judge Hintz moved, seconded by Mr. Harris to approve the minutes of September 10, 2012.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

B. Business Meeting of September 17, 2012.

MOTION: Mr. Goulet moved, seconded by Mr. C. Johnston to approve the minutes of September 17, 2012.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

IV. PENDING DISABILITY APPLICATION STATUS REPORT

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

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

V. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Service Connected Disability Retirement; Alfred Bustillos, Case No. 10-004.

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

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- A. Application for Service Connected Disability Retirement; Alfred Bustillos, Case No. 10-004. (continued)

Paul Hilbun was present representing the County of Ventura, Risk Management. Laurence D. Grossman, Attorney at Law, was present representing the applicant, Alfred Bustillos, who was also present.

Both parties declined an offer to make a statement.

MOTION: Mr. Towner moved, seconded by Mr. Harris, to grant the applicant, Alfred Bustillos, a service connected disability retirement.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

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

- B. Application for Non-Service Connected Disability Retirement; Kathryn L. Martinez, Case No. 12-005.

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. The applicant, Kathryn L. Martinez, was present representing herself.

Both parties accepted into the record pages 247 through 280 of the Application for Non-Service Connected Disability Retirement.

Both parties declined an offer to make a statement.

MOTION: Mr. Goulet moved, seconded by Mr. T. Johnston, to grant the applicant, Kathryn L. Martinez, a non-service connected disability retirement.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

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

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

C. Application for Service Connected Disability Retirement; Lee M. Bowman, Case No. 10-020.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Irene P. Ayala, dated June 11, 2012.
2. Respondent's Reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated June 12, 2012.
3. Hearing Notice.

Stephen D. Roberson, Attorney at Law, was present representing the County of Ventura, Risk Management. The applicant, Lee M. Bowman, was present representing himself.

Mr. Bowman stated that he did not receive a copy of the Hearing Officer's recommendation regarding his case and that he was not sure if he was represented by legal counsel.

Mr. Roberson stated that Mr. Bowman had been represented by legal counsel and they received a copy of the Hearing Officer's recommendation and they did not file an objection to the Hearing Officer's recommendation. Currently that is the status of the case.

MOTION: Mr. Goulet moved, seconded by Mr. Towner, to continue this case to the next disability meeting and to have staff provide the applicant, Lee M. Bowman, with a copy of the Hearing Office's recommendation.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

The Board further asked Mr. Bowman to confirm with staff whether or not he is or will be represented by legal counsel.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

D. Application for Service Connected Disability Retirement; David A. Dickens, Case No. 11-022.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Louis M. Zigman, dated August 28, 2012.
2. Respondent's Reply to Recommendation of Hearing Officer, Submitted by B. Derek Straatsma, Attorney at Law, dated September 7, 2012.
3. Hearing Notice.

Paul Hilbun and B. Derek Straatsma, Attorney at Law, were present representing the County of Ventura, Risk Management. The applicant, David A. Dickens, was present representing himself.

Both parties declined an offer to make a statement.

MOTION: Mr. Towner moved, seconded by Mr. Harris, to grant the applicant, David A. Dickens, a non-service connected disability retirement.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent. Mr. Hansen absent for this item.

E. Application for Service Connected Disability Retirement; Thomas Guerrero, Case No. 10-034.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Michael Prihar, dated July 15, 2012.
2. Respondent's Reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated July 18, 2012.
3. Applicant's Objection to Recommendation of Hearing Officer, Submitted by Anthony R. Strauss, Attorney at Law, dated August 3, 2012.
4. Hearing Notice.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- E. Application for Service Connected Disability Retirement; Thomas Guerrero, Case No. 10-034. (continued)

Mr. Hansen entered the meeting.

Stephen D. Roberson, Attorney at Law, was present representing the County of Ventura, Risk Management. Anthony R. Strauss, Attorney at Law, was present representing the applicant, Thomas Guerrero, who was also present.

Following a discussion, the following motion was made.

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to deny the applicant, Thomas Guerrero, a service connected disability.

Motion passed. Mr. T. Johnston voting no. Mr. Foy and Mr. Henderson absent.

- F. Application for Non-Service Connected Disability Retirement; Evelia M. Ortega, Case No. 11-001.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Deborah Z. Wissley, dated August 20, 2012.

2. Hearing Notice.

John I. Gilman was present representing the County of Ventura, Risk Management. Anthony R. Strauss, Attorney at Law, was present representing the applicant, Evelia M. Ortega, who was not present.

Both parties declined an offer to make a statement.

MOTION: Mr. Harris moved, seconded by Mr. Hansen, to grant the applicant, Evelia M. Ortega, a non-service connected disability retirement.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

G. Application for Non-Service and Service Connected Disability Retirement; Jennifer M. Storm-Duffner, Case No. 09-017.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Debora Z. Wissley, dated August 21, 2012.
2. Respondent's Reply to Recommendation of Hearing Officer, Submitted by B. Derek Straatsma, Attorney at Law, dated August 31, 2012.
3. Applicant's Objection to Recommendation of Hearing Officer, Submitted by Scott C. Duffner, Applicant's Spouse, dated September 4, 2012.
4. Hearing Notice.

Paul Hilbun and B. Derek Straastma, Attorney at Law, were present representing the County of Ventura, Risk Management. Scott Duffner, spouse of the late applicant, Jennifer M. Storm-Duffner was present.

Following a discussion, the following motion was made.

MOTION: Mr. Towner moved, seconded by Mr. T. Johnston, to deny the applicant, Jennifer M. Storm-Duffner, both a non-service connected and service connected disability retirement, which results in the death benefit being effective on the date of death.

Motion passed unanimously. Mr. Foy and Mr. Henderson absent.

VI. NEW BUSINESS

A. Public Employees' Pension Reform Act of 2013.

NO ACTION TAKEN.

B. PAS Project Space Needs and Proposal.

MOTION: Mr. T. Johnston moved, seconded by Mr. Harris, to approve the execution of the Fourth Amendment of Lease between M.F. Daily Corporation and VCERA, and the budget amendment taking \$19,000 from contingency for rent, equipment, and furniture.

Motion passed. Mr. Goulet voting no. Mr. Foy and Mr. Henderson absent.

Mr. Hansen left the meeting at 10:30 a.m.

VII. PUBLIC COMMENT

Mr. Kendig reported that Chantell Garcia, VCERA's Program Assistant, has recently completed her first year of service with VCERA, and that she will be moving to Operations to be a Benefits Specialist, and Glenda Jackson will be starting on October 15, 2012 as her replacement.

VIII. BOARD MEMBER COMMENT

NONE.

IX. ADJOURNMENT

There being no further items of business before the Board, Chairman Wilson adjourned the meeting at 10:43 a.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,



WILLIAM W. WILSON, Chairman