

# VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

## BOARD OF RETIREMENT

### DISABILITY MEETING

JUNE 3, 2019

#### MINUTES

**TRUSTEES  
PRESENT:**

William W. Wilson, Chair, Public Member  
Robert Bianchi, Vice-Chair, Public Member  
Steven Hintz, Treasurer-Tax Collector  
Mike Sedell, Public Member  
Dan Shapiro, General Member  
Will Hoag, Alternate Retiree Member  
Robert Ashby, Safety Member  
Ed McCombs, Alternate Public Member

**TRUSTEES  
ABSENT:**

Steve Bennett, Public Member  
Arthur E. Goulet, Retiree Member  
Craig Winter, General Member

**STAFF  
PRESENT:**

Linda Webb, Retirement Administrator  
Lori Nemiroff, General Counsel  
Henry Solis, Chief Financial Officer  
Leah Oliver, Chief Technology Officer  
Shalini Nunna, Retirement Benefits Manager  
Donna Edwards, Retirement Benefits Specialist  
Nancy Jensen, Retirement Benefits Specialist  
Chris Ayala, Program Assistant  
Shalaine Nolan, Office Assistant III-C

**PLACE:**

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

**TIME:**

9:00 a.m.

ITEM:

I. CALL TO ORDER

Chair Wilson called the Disability Meeting of June 3, 2019 to order at 9:02 a.m.

II. APPROVAL OF AGENDA

MOTION: Approve.

Moved by Hintz, seconded by Shapiro.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

III. APPROVAL OF MINUTES

A. Business Meeting of May 20, 2019.

Trustee Sedell said he noticed that the minutes showed Trustee Bennett as voting while absent during a few votes. He believed the minutes needed to be clarified.

After discussion by the Board, the following motion was made:

MOTION: Approve with Corrections.

Moved by Sedell, seconded by Hintz.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

IV. RECEIVE AND FILE PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Receive and File.

Moved by Bianchi, seconded by Shapiro.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

V. APPLICATIONS FOR DISABILITY RETIREMENT

- A. Application for Service-connected Disability Retirement - Hallinan, Daniel J.; Case No. 16-022.
1. Application for Service-connected Disability Retirement, filed July 20, 2016.
  2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura, Risk Management, in support of the Application for Service-connected Disability Retirement, dated May 20, 2019.
  3. Hearing Notice, dated May 21, 2019.

Catherine Laveau was present on behalf of County of Ventura, Risk Management. Ron Christensen, Attorney at Law, was present on behalf of Daniel J. Hallinan, who was also present.

Both parties declined to make statements.

MOTION: Approve the Application for Service-connected Disability Retirement.

Moved by Sedell, seconded by Bianchi.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

Both parties agreed to waive preparation of findings of fact and conclusions of law.

- B. Application for Service-connected Disability Retirement - Goodrich, Daniel B.; Case No. 17-010.
1. Application for Service-connected Disability Retirement, filed May 16, 2017.
  2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura, Risk Management, in support of the Application for Service-connected Disability Retirement, dated May 10, 2019.
  3. Hearing Notice, dated May 21, 2019.

Stephen D. Roberson was present on behalf of County of Ventura, Risk Management. Ron Christensen, Attorney at Law, was present on behalf of Daniel B. Goodrich, who was also present.

Both parties declined to make statements.

MOTION: Approve the Application for Service-connected Disability Retirement.

Moved by Bianchi, seconded by Shapiro.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

Both parties agreed to waive preparation of findings of fact and conclusions of law.

C. Application for Service-connected Disability Retirement - Turner, Matthew J.;  
Case No. 18-026.

1. Application for Service-connected Disability Retirement, filed October 24, 2018.
2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura, Risk Management, in support of the Application for Service-connected Disability Retirement, dated May 14, 2019.
3. Hearing Notice, dated May 17, 2019.

Catherine Laveau was present on behalf of County of Ventura, Risk Management. The applicant, Matthew J. Turner, was also present.

Both parties declined to make statements.

Ms. Edwards noted that if the applicant's disability case were to be approved, the Board would need to determine the effective date of the disability retirement. Ms. Edwards explained that staff would support an earlier effective date of the application, as the delay in filing was due to the County of Ventura spending considerable time trying to find an alternative position that could accommodate the Applicant's work restrictions and for which he qualified.

Ms. Nemiroff asked Ms. Laveau if Risk Management agreed that the facts in the case supported a determination that the Applicant's delay in filing the disability retirement application was due to administrative oversight, such that the Board could deem the application filed on the day following the date the member last received regular compensation. Ms. Laveau said yes, and that Risk Management concurred with this determination.

After discussion by the Board, the following motion was made:

MOTION: Approve the Application for Service-connected Disability Retirement.

Moved by Sedell, seconded by Shapiro.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

Both parties agreed to waive preparation of findings of fact and conclusions of law.

- D. Application for Service-connected Disability Retirement - Delpit, Danielle I.;  
Case No. 19-003.
1. Application for Service-connected Disability Retirement, filed January 25, 2019.
  2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura, Risk Management, in support of the Application for Service-connected Disability Retirement, dated May 14, 2019.
  3. Hearing Notice, dated May 17, 2019.

Catherine Laveau was present on behalf of County of Ventura, Risk Management. The applicant, Danielle I. Delpit, was also present.

The applicant declined to make a statement.

Ms. Laveau said that the applicant's physician, Dr. Bergenstal, issued an additional opinion after Risk Management submitted its report to VCERA. She read the physician's statement into the record for the Board's consideration: "In response to your inquiry on May 17, 2019, it is my opinion that Ms. Delpit's not taking psychotropic medication did not alter her capacity to return to work as a Deputy Sheriff."

MOTION: Approve the Application for Service-connected Disability Retirement.

Moved by Bianchi, seconded by Sedell.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

Both parties agreed to waive preparation of findings of fact and conclusions of law.

## VI. OLD BUSINESS

- A. Carmen M. Gonzalez, Application for Service-Connected Disability Retirement: Notice of Distribution of Transcript of Testimony and Other Evidence Received by Appointed Hearing Officer for Board Consideration and Action at Hearing Set for September 2, 2019, Pursuant to Government Code Section 31534(b).

**Recommended Action: Receive and File.**

1. Staff Letter.
2. Administrative Record for Carmen M. Gonzalez.

Ms. Webb said that at the Disability & Business Meeting on April 15, 2019, the Board voted to review the administrative record for Ms. Gonzalez. Due to the size of the case file, staff had made it available to the Board electronically to ensure ample time to review the file before the disability meeting in September 2019.

After discussion by the Board, the following motion was made:

MOTION: Receive and File.

Moved by Hintz, seconded by Bianchi.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

## VII. NEW BUSINESS

- A. Renewal of Hearing Officer Contracts.  
**RECOMMENDED ACTION: Approve.**

1. Staff Letter.
2. Proposed Contract.

Ms. Webb said that staff believed the list of hearing officers recommended for contract renewal was sufficient for VCERA's needs in the coming year.

Trustee Hintz remarked that a retiring colleague was interested in serving as a hearing officer for VCERA. He asked if the Board might reconsider its policy requiring hearing officers to have an active California State Bar license, which may exclude former Superior Court judges from being able to serve.

Ms. Nemiroff said the licensing requirement was part of VCERA's hearing officer contracts and a common practice among retirement boards, although it was not a bylaws issue. She did not know if having an active State Bar license was legally required of hearing officers, but she would research the issue.

After discussion by the Board, the following motion was made:

MOTION: Approve the Renewal of Hearing Officer Contracts for the Officers Listed.

Moved by Sedell, seconded by Shapiro.

Vote: Motion carried

Yes: Ashby, Bianchi, Hintz, McCombs, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Goulet, Winter

Abstain: -

VIII. INFORMATIONAL

None.

IX. PUBLIC COMMENT

None.

X. STAFF COMMENT

Ms. Webb said that staff planned to propose edits to the Education & Travel Policy at the June 17, 2019 Business Meeting. She also noted that Mr. Towner's Civil Service Commission proceedings had concluded, and a decision would likely be issued mid-June.

XI. BOARD MEMBER COMMENT

None.

XII. ADJOURNMENT

The meeting was adjourned at 9:20 a.m.

Respectfully submitted,



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LINDA WEBB, Retirement Administrator

Approved,



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WILLIAM W. WILSON, Chairman