

DRAFT

The Public Safety Retirement Board of Pima County, Arizona met in session on the 1st floor conference room at 130 W. Congress, Tucson, AZ at 8:30 a.m. March 4th, 2020.

VOTING MEMEBERS PRESENT:

Mr. Keith Bagwell
Mr. Leo Duffner - Telephonically
Lt. Bruce Westberg

VOTING MEMBERS ABSENT:

Lt. Costaki Manoleas
Mr. Michael Hellon

OTHERS PRESENT:

Attorney: David McEvoy
Secretary: Robin Jobst
Asst. Secretary: Patricia Aron
Mr. Maurice Othic
Mr. Mark Othic
Sgt. Michael Escobar
Sgt. Mary Scott
Javier Altorre

Mr. Bagwell, chair for the board convened the meeting at 8:39 a.m.

Item 1 on the agenda was a Roll Call. Attendance as listed above with Mr. Duffner appearing telephonically.

Item 2 on the agenda was the Pledge of Allegiance.

Item 3 on the agenda was approval of minutes from the board meeting held on 02/05/20. Lt. Westberg moved to approve the minutes as submitted. Mr. Duffner seconded the motion. Motion passed unanimously.

Item 4 on the agenda was the discussion of the letter received from Maurice Othic. Mr. Bagwell asked that the Board address Item 5 on the agenda before addressing Item 4 since Attorney for Ms. Miklos was present.

Item 5 on the agenda was the Re-Hearing of the Application for Accidental Disability Retirement for Kori Miklos. Mr. Altorre addressed the Board on behalf of Ms. Miklos and requested a continuance for two months. He informed the Board that at this time, they are working on getting information from Ms. Miklo's doctor. Lt. Westberg approved the request for continuance of two months. Seconded by Mr. Duffner. Motion passed unanimously.

Item 4 on the agenda was the discussion of the letter received from Maurice Othic. Mr. McEvoy discussed with the Board information he received regarding the accidental disability based on a mental condition. He explained the 1987 Wills case and the Stress Disability Legal Guidelines (PSPRS Only) dated March 2017 from PSPRS that allows PSPRS local boards to use the “usual, ordinary and expected” legal standard in the Sloss case when determining mental or stress disability pension eligibility. He informed the Board of the Pascarella case, which involved a stress accidental disability pension application. He explained that this case was initially denied and at the rehearing, there was medical evidence brought to the Mesa PSPRS local board that supported the claim. The Court of Appeals held that the local board was obligated to have its doctor evaluate the applicant, although it is unclear whether the doctor or the local board is the party to determine eligibility under the Sloss legal standard. Mr. McEvoy also informed the Board of about the France case in which the Court of Appeals discussed the Sloss legal standard. He explained that the Court of Appeals attempted to distinguish between the event and the stress from the event, and held that the stress from the event, if unusual, extraordinary or unexpected, should be what is considered in determining whether to approve a stress disability pension application, even if the event(s) that triggered the stress was (were) usual, ordinary or expected.” By so doing, the court changed the legal standard from objective to subjective, even though language in the France decision purports to support an objective standard – “hypothetical ‘reasonable person’ working alongside claimant.” Mr. McEvoy informed the Board that, in light of the Pascarella and France decisions, the Board should refer Mr. Othic back to Dr. Johnson to clarify his condition under the accidental (as opposed to ordinary) disability standards and under the “stress from the event” standard in the France case. Lt. Westberg expressed with the Board that there is no further clarity with this new information. Mr. Duffner asked who brought this agenda item. Ms. Jobst explained that it was on the agenda due to the letter Mr. Othic wrote. Mr. McEvoy suggested the Board send for an IME based on the information from the Pascarella and Frances cases. Lt. Westberg moved to refer the matter for consideration to Dr. Johnson under the accidental (as opposed to ordinary) disability standards and under the “stress from the event” standard in the France case. Mr. Duffner seconded the motion. Motion passed unanimously.

Item 6 on the agenda was the Application for membership with an effective date of 02/10/20 for Angel-Jose Tun (noted pre-existing condition). Lt. Westberg moved to approve the application. Mr. Duffner seconded the motion. Motion passed unanimously.

Item 7 on the agenda was the Application for Termination from DROP and Retirement for Kippy Compton with an effective date of 03/01/20. Lt. Westberg moved to approve the application, seconded by Mr. Duffner. Motion passed unanimously.

Item 8 on the agenda was the Application for Termination from DROP and Retirement for Elaine Parenteau with an effective date of 04/01/20. Lt. Westberg moved to approve the motion, seconded by Mr. Duffner. Motion passed unanimously.

Item 9 on the agenda were the Applications for Deferred Retirement Option Plan (DROP) for the individuals listed below with an effective date of 03/01/20. Lt. Westberg moved to approve the motion, seconded by Mr. Duffner. Motion passed unanimously.

a. Dawn Barkman – 24.090 years of credited service

- b. Brian Boll – 21.024 years of credited service
- c. Christopher Conniff – 20.008 years of credited service
- d. David Conto – 28.118 years of credited service
- e. Vincent Lopez – 20.392 years of credited service
- f. Erick Maldonado – 25.087 years of credited service
- g. Muriel McGillicuddy – 20.085 years of credited service
- h. Bill Nunez – 21.164 years of credited service

Item 10 on the agenda was the Application for Separation Refund for Wendell Jones. Lt. Westberg moved to approve the motion, seconded by Mr. Duffner. Motion passed unanimously.

Item 11 on the agenda was the change of DROP Beneficiaries for Gary Hawco as read into the record.

Item 12 on the agenda was the change of Beneficiary for Gary Hawco as read into the record.

Item 13 on the agenda was the review of correspondence from PSPRS. There was none.

Item 14 on the agenda was other board business. There was none.

Item 15 was the call to the public. There was none.

Lt. Westberg moved to adjourn the meeting, seconded by Mr. Duffner. Motion passed unanimously. The meeting was adjourned at 9:23 a.m.

Robin Jobst
Secretary