

PIMA COUNTY PUBLIC SAFETY PERSONNEL RETIREMENT BOARD

THE PUBLIC SAFETY RETIREMENT BOARD OF PIMA COUNTY, ARIZONA MET IN SESSION ON THE 1ST FLOOR CONFERENCE ROOM, 130 W. CONGRESS, TUCSON, ARIZONA AT 8:30 A.M FEBRUARY 5TH, 2014.

VOTING MEMEBERS PRESENT:

Mr. Benny Gomez
Ms. Georgia Brousseau
Mr. Leo Duffner
Sgt. Pat McGhee

VOTING MEMBERS ABSENT:

Lt. Gary Anderson

OTHERS PRESENT:

Attorney: David McEvoy
Secretary: Robin Bengé
Others: Jennifer Cabrera
Robert Kimmins

Mr. Gomez, chairman for the board convened the meeting at 8:31 am.

Item 1 on the agenda was a Roll Call. Attendance as listed above with Ms. Brousseau arriving at 8:33 am.

Item 2 on the agenda was the Pledge of Allegiance.

Item 3 on the agenda was approval of the minutes from the board meeting on 01/08/14. Mr. Duffner waived the reading of the minutes and moved to approve the minutes as submitted, Sgt. McGhee seconded the motion. Motion passed unanimously.

Item 4 on the agenda was the discussion and possible action regarding the Application for Membership for Andrew Fletcher with an effective date of 1/13/14. Discussion followed as a pre-employment physical has not been completed. Ms. Brousseau moved to defer action until the physical has been completed. Sgt. McGhee seconded the motion. Motion passed unanimously.

Item 5 on the agenda was the discussion and possible action regarding the Application for Accidental Disability Retirement for Robert Kimmins. There followed a discussion by the board members regarding a report charged on 11/20/13 by Dr. Eric Sipos. The report stated that Mr. Kimmins may return to work with serious restrictions that I believe will make him permanently unfit for his regular duties. Some of the restrictions include sedentary duties, 20 pound lifting

restriction, prolonged sitting or prolonged driving to name a few. Based on the information in the chart Sgt. McGhee made the motion to send Mr. Kimmins for an independent medical evaluation. Mr. Duffner seconded the motion. Motion passed unanimously.

Item 6 on the agenda was the Termination and retirement at the end of the DROP for Joseph Knipp with an effective date of 02/01/104. Sgt. McGhee made the motion to accept the application, seconded by Mr. Duffner. Motion passed unanimously.

Item 7 on the agenda was the application to Transfer Service Credits Between PSPRS Employers for Andrew Fletcher. Mg. Brousseau made the motion to defer the item until a pre-employment physical is received and item 4 on this agenda is resolved. Sgt. McGhee seconded the motion. Motion passed unanimously.

Item 8 on the agenda was the Application to Transfer or Redeem Service credits Between Arizona Retirement Plans for Bronson Tagalog. Mr. Duffner made the motion to approve the application, seconded by Sgt. McGhee. Motion passed unanimously.

Item 9 on the agenda was the Application for Separation Refund for Alejandro Silva. Sgt. McGhee made the motion to accept the application, seconded by Ms. Brousseau. Motion passed unanimously.

Item 10 on the agenda was the discussion regarding the status of the re-exam of Retiree Donald Doyle. An independent re-examination was done by Cynthia K. Ball, DO MS on 1/16/14 and she submitted a 5 page report to the board.

Based upon the doctor's report the following findings of fact were established and take from the report:

1. Is the individual's condition a physical or mental condition which totally and permanently prevents him from performing a reasonable range of duties within the employee's department?
 - a. There has not been any significant change in his should function since his last evaluation.
 - b. Within a reasonable degree of medical probability, Mr. Doyle's right shoulder condition limits him from performing a narrow range of activities, specifically climbing walls, fences or other high obstacles during high speed pursuit, engaging in hand to hand confrontations/combat with potentially dangerous individuals and repetitive heavy overhead lifting.
 - c. It is left to the discretion of the employing department to determine if these specific activity limitations constitute a reasonable range of duties within the department.
2. Is the individual's condition a result of a physical or mental condition or injury that existed or occurred prior to the claimant's date of membership in the PSPRS?
 - a. Based on available prior records and today's encounter, there is no evidence contrary to the prior opinion that his condition did not exist prior to 07-22-04.
3. Was the condition or injury incurred in the performance of the employee's duties as a deputy sheriff?

- a. Based on the prior records and today's encounter, there is no evidence contrary to the prior opinion that the shoulder condition arose from an on the job injury.

Ms. Brousseau moved to adopt the findings of fact set forth in the paragraph above. Sgt. McGhee moved to approve them. Motion passed unanimously.

Based upon the findings of fact just adopted, Sgt. McGhee moved to continue the disability retirement for Mr. Doyle. Ms. Brousseau seconded the motion. Motion passed unanimously.

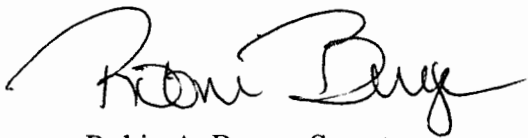
Item 11 was discussion and possible action regarding the subpoena sent to Custodian of records for PCSD's Local Board of the PSPRS, received by the secretary. The board attorney advised the board that subpoena was asking for records pertaining to Retiree John Pashain and wanted to depose the secretary. Mr. McEvoy advised the board that if they provided the records then the subpoena would be vacated. Mr. Duffner made the motion to comply with the request and to send the documents to the requesting attorney. Ms. Brousseau seconded the motion. Motion passed unanimously.

Item 12 was the review of pending legislation and discussion as needed. Ms. Brousseau discussed a potential bill, HCR 2001 with the board as it potentially would allow the legislature to be able to withdraw money from the retirement systems if needed.

Item 13 was the review of correspondence from the system and other board business. There was brief discussion of the letter posted on the PSPRS website dated 1/22/14. Also informed the board that Donald Molchan purchase service time and has 14.844 under PSPRS as of 1/13/14.

Item 14 was the call to the public. None responded.

Mr. Duffner moved to adjourn the meeting, seconded by Sgt. McGhee. Motion passed unanimously. The meeting was adjourned at 9:03 a.m.



Robin A. Bengé, Secretary