
MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
FRIDAY – FEBRUARY 24, 2017

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held February 24, 2017, at 9:00 A.M. at the office of the Fund, 221 N. LaSalle Street, Room 1626, Chicago, Illinois for the consideration of applications and bills, and for other such matters that came before the Board. The contents of this meeting were transcribed by Esquire Communications, Ltd. Court Reporters and are made a part of the record.

PRESENT: Trustees Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

ABSENT: Summers 1.

PRESIDING: President and Trustee Kenneth Hauser

Trustee Hauser called the meeting to order.

The first order of business was review and approval of the minutes of the investment committee meeting held February 22, 2017.

It was moved by Trustee Maloney, seconded by Trustee Hamburger that the Board approve the minutes as presented.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Next was the approval of the Minutes of the last regular meeting of the Retirement Board held January 26, 2017.

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board approve the minutes from the regular meeting held January 26, 2017.

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Summers 1.

Against: 0.

Abstain: Avila 1.

Trustee Hauser requested adoption of Board orders as submitted by the Board's legal counsel.

In the matter of **Conway Garlington, III**, the Board found pursuant to the Pension Act, the application to receive pension credit for prior service was filed after statutory deadlines; therefore application is hereby denied.

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board adopt the order on Conway Garlington III as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

In the matter of **Philrick Hurnes**, the Board found pursuant to the Pension Act, the application to receive pension credit for prior service was filed after statutory deadlines; therefore application is hereby denied.

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board adopt the order on Philrick Hurnes as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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In the matter of **Joseph Smith**, the Board having reviewed his petition and heard argument of his counsel in support of the petition, and having reviewed the case cited from applicable statutes, finds this order is not intended to supplement, modify or in any way change or affect the prior not-appealed Order entered September 20, 2016. This order is intended to address only those issues referencing Smith's claim that certain identified funds, payment of taxes, pension contributions, deferred compensation and attorney's fees should be deducted from the funds owed to this Fund; which is denied.

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board adopt the order on Joseph Smith as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

In the matter of **Antonio Silva's** application for a duty disability benefit, the Board finds that Silva was not disabled at the time he filed his application for a duty disability benefit; he should have made an application to return to service with the Chicago Police Department. Therefore all disability benefits are hereby denied.

It was moved by Trustee Lappe, seconded by Trustee Brown that the Board adopt the order on Antonio Silva as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

In the matter of **Patrick Arcillas'** status review of duty disability benefits, the Board finds that the disability resulting from an Act of Duty has ceased; therefore his duty disability shall cease on February 28, 2017 and Arcillas is directed to return to the Chicago Police Department for assignment.

It was moved by Trustee Brown, seconded by Trustee Maloney that the Board adopt the order on Patrick Arcillas as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

The President turned the meeting over to the recording secretary, Trustee Maloney.

The Board Recording Secretary conducted the agenda as follows:

PAGE NO. REFERENCE

1 - 6 Incurred Expenses for the Month of February 2017.

It was moved by Trustee Hamburger, seconded by Trustee Lapper that the Board approve the Obligations as detailed on pages 1 through 6.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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PAGE NO. REFERENCE

7 - 11 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations and Exempt Rank.

It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve the Refunds as detailed on pages 7 through 11.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

12 - 13 Payment to Heirs of Deceased Annuitants

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the Payment to Heirs of Deceased Annuitants as detailed on pages 12 and 13.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

14 Refund of Automatic Increase Contributions – *less than 20 years of service*

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Refund as detailed on page 14.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

15 - 20 Annuities [Summary pg. 21]

It was moved by Trustee Hauser, seconded by Trustee Brown that the Board approve the Annuities as detailed on pages 15 through 20.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

22 Annuities - Revised

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the Revised Annuities as detailed on page 22.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

23 Annuities to Widows [Summary pg. 24]

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Annuities to Widows as detailed on page 23.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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25 Annuities to Children

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board approve the Annuities to Children as detailed on page 25.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

26 Ordinary Disability Applications

a) **Belaschky, Carl**

Based on the medical reports, it was moved by Trustee Wright, seconded by Trustee Lappe that the Board move to grant Officer Belaschky an ordinary disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

b) **Switalski, Daniel**

Based on the medical reports, it was moved by Trustee Hauser, seconded by Trustee Lappe that the Board move to grant Officer Switalski an ordinary disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

27 Occupational/Duty Disability Applications

c) **Vaccaro, Victor**

Based on the medical reports, it was moved by Trustee Hauser, seconded by Trustee Brown that the Board move to grant the officer, subject to a full evidentiary hearing, an ordinary disability benefit without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if deemed warranted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

28 - 30 Payment of Death Benefits [Summary pg. 31]

It was moved by Trustee Hauser, seconded by Trustee Lappe that the Board approve the Death Benefits as detailed on pages 28 through 30.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

PAGE NO. REFERENCE

MISCELLANEOUS

32 REQUEST FOR PENSION CREDIT FOR PRIOR COOK COUNTY
SERVICE UNDER 5-214 (C)

Documentation verified, it was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve the prior Cook County service petition as detailed on page 32.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

33 REQUESTS FOR PENSION CREDIT FOR PRIOR MILITARY
SERVICE UNDER 5-214.3

Documentation verified, it was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the prior military service petitions as detailed on page 33.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

34 REQUESTS FOR PENSION CREDIT FOR MILITARY LEAVE UNDER **USERRA**

Documentation verified, it was moved by Trustee Hamburger, seconded by Trustee Wright that the Board approve the military service leaves of absence petitions as detailed on page 34.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

General Agenda completed.

HEARINGS

35 REQUEST FOR CONSIDERATION ON PRIOR LEAVE OF ABSENCE GRANTED
Palczynski, Raymond F.

The Board considered the request of Raymond Palczynski as detailed on page 35.

It was moved by Trustee Wright, seconded by Trustee Maloney, that the Board approve Sergeant Palczynski's request.

ROLL CALL

For: Avila, Maloney, Wright 3.

Absent: Summers 1.

Against: Brown, Hamburger, Hauser, Lappe 4.

MOTION FAILS

MINUTES CONTINUED

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36 REQUEST FOR PENSION CREDIT FOR PRIOR SERVICE

Dovin, George M.

Counsel for George Dovin appeared before the Board and requested a continuance in order to secure a witness.

it was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the request for a continuance on the service petition as detailed on page 36.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board enter into executive session pursuant to 2 (c)(11).

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Maloney that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

In the matter of **Ryan J. O'Donnell**, the Board previously heard this matter, which is now pending in the Circuit Court on Administrative Review. There was a motion filed to remand the matter back to the Board to consider various documents, which have been supplied to the Board. Counsel for O'Donnell appeared before the Board, and was informed that the Board will review the new documents and reports; thereafter will enter a decision, and send a copy to O'Donnell's attorney and a copy to the Judge, to complete the record in this matter.

(Matter Tabled)

The Board has reviewed the additional medical records which have been supplied pursuant to the Court's remand order and the Board has determined that its original decision terminating O'Donnell's benefits would not have changed had these documents been before it.

It was moved by Trustee Hamburger, seconded by Trustee Brown that the Board approve the issuance of an order affirming its denial of further benefits to Ryan O'Donnell, effective February 28, 2017, when such benefits will cease.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

HEARINGS CONTINUED

DUTY DISABILITY STATUS REVIEWS

37 **McClendon, Jennifer**

Jennifer McClendon appeared with counsel before the Board on a disability status review. After hearing testimony from Jennifer McClendon, Commander Jonathan L. Johnson, Acting Director of the Chicago Police Department - Human Resources, Sergeant Risley from the CPD Medical Section, Sergeant Pennix from the CPD training academy and reviewing the medical reports and all documents submitted, *it was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board terminate Jennifer McClendon's duty disability benefit effective April 30, 2017.*

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.
Absent: Summers 1.
Against: Brown 1.

38 **Piper, Peter J.**

Peter Piper appeared with counsel before the Board on a disability status review. After hearing testimony from Peter Piper, the Board's consulting physician and reviewing the medical reports and all documents submitted, it was determined to continue this officer's status until after further medical intervention and recovery, with another review in six months.

39 **Turney, Michelle L.**

Michelle Turney appeared with counsel before the Board on a disability status review. After hearing testimony from Michelle Turney, the Board's consulting physician, Sergeant Risley from the CPD Medical Section, and reviewing the medical reports and all documents submitted, *it was moved by Trustee Lappe, seconded by Trustee Maloney that the Board enter into executive session per 2 (c)(11).*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board terminate Michelle Turney's duty disability benefit effective March 31, 2017.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.
Absent: Summers 1.
Against: 0.

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DUTY DISABILITY CLAIMS

40 **Dovin, George M.**

Counsel for George Dovin appeared before the Board and requested a continuance in order proceed with both his duty disability benefit application and prior service petition at the same meeting.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve the request for a continuance on the disability claim filed by George Dovin.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

40 **Osborn, Kevin D.**

Kevin D. Osborn appeared before the Board, with counsel, on his claim for a duty disability benefit. After hearing testimony from Officer Osborn, the Board's consulting physician and reviewing the medical reports and documents submitted *it was moved by Trustee Hamburger, seconded by Trustee Lappe, that the Board terminate his disability benefits April 30, 2017.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board enter into executive session pursuant to 2 (c)(11).

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Brown that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was then moved by Trustee Maloney, seconded by Trustee Wright that the Board award a duty disability benefit for the period April 18, 2016, through April 30, 2017.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Maloney, seconded by Trustee Wright that the Board grant the duty disability award at 75% of salary as defined in the Statute.

ROLL CALL

For: Brown, Maloney, Wright 3.

Absent: Summers 1.

Against: Avila, Hamburger, Hauser, Lappe 4.

MOTION FAILS

Thereby duty disability benefits are awarded at 50% of salary as defined in the Statute for the period cited.

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DUTY DISABILITY CLAIMS (continued)

40 **Weitzman, Joshua C.**

Joshua Weitzman appeared before the Board, with counsel, on his claim for a duty disability benefit. After hearing testimony from Detective Weitzman, the Board's consulting physician, and reviewing the medical reports and documents submitted *it was moved by Trustee Lappe, seconded by Trustee Wright, that the Board grant a duty disability benefit to Joshua Weitzman.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Lappe, seconded by Trustee Maloney that the Board grant the duty disability award at 75% of salary as defined in the Statute.

ROLL CALL

For: Avila, Brown, Hauser, Lappe, Maloney, Wright 6.

Absent: Summers 1.

Against: Hamburger 1.

40 **Rawls, Samuel B.**

Samuel Rawls appeared before the Board, with counsel, on his claim for a duty disability benefit. The Board has reviewed the record on this case and is not prepared to complete its investigation of the documents. The Board awaits resolution of a pending matter with the Committee on Finance concerning this case. In addition a few other documents are needed.

It was moved by Trustee Hamburger, seconded by Trustee Wright, that the Board continue the previously awarded ordinary disability benefit without prejudice and continue this case to the June 2017, Board meeting.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Executive Director reviewed with the Board the following matters.

- Reporting to the Board that Trustee Avila will be resigning from his position as Trustee effective June 1, 2017.
- A letter from Senator John Mulroe was distributed to the Trustees with respect to Public Act 99-0905, which affects the Cost Of Living Adjustment (COLA) for certain fund members. Previous discussion directed that absent legislative change, some interpretive guidance by sponsors of the legislation would be welcomed. Senator Mulroe, a sponsor of the Bill, sent a letter to the Executive Director that clarifies the legislative intent of the bill. This is in addition to another letter received from Representative Dan Burke, which also discussed the legislative intent of the bill. After lengthy discussion *It was moved by Trustee Wright, seconded by Trustee Maloney that based upon the letters received from Senator Mulroe and Representative Burke, indicating legislative intent of Public Act 99-0905, the Board apply the 'catch-up' provision of the 3% cost of living adjustment to those retired members who were born in 1955 and 1956, but had already received an incremental increase in 2015 and/or 2016.*

ROLL CALL

For: Hauser, Lappe, Maloney, Wright 4.

Absent: Summers 1.

Against: Avila, Brown, Hamburger 3.

MOTION PASSES

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- As a follow-up the budget discussion previously held concerning hiring a part-time financial crimes/disability case clerk, the Executive Director distributed a draft job description for review and further discussion. It was recommended to update the draft to reflect an expectation of hours per week, an hourly compensation up to forty thousand, and detail any benefits that are required in accordance with the Fair Labor Standards Act. A new draft will be distributed at the next Board meeting.
- Officer, **Michael Alesia**, who is in receipt of duty disability benefits, was examined by the Board's physician. The result of that exam was a recommendation that officer Alesia have an Independent Medical Evaluation completed, which was approved by the Board. Certified mail directed to Officer Alesia, concerning his appointment for the IME have been unsuccessful.

It was moved by Trustee Avila, seconded by Trustee Lappe that the Board temporarily suspend Michael Alesia's disability benefit until the Fund receives a current address.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

- The Fund has received an invitation for the Annual Police Recognition Ceremony, which is scheduled for May 19, 2017, at the Chicago Hyatt Regency hotel. In the past the Fund has purchased a table of ten for the Trustees and staff to attend.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve purchase of a table of ten for Trustees and staff to attend the annual ceremony.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

- The Executive Director requested Board approval to attend the upcoming Benefits Conference for Public Employees hosted by the International Foundation of Employee Benefit Plans.

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board approve attendance by the Executive Director at the conference in 2017.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

- Trustee Maloney requested Board approval to attend the Institutional Investor conference in April 2017.

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve attendance by Trustee Maloney at the conference in April.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

President Hauser read into the record two thank-you notes he has received with respect to the annual gift check distributed to the minimum widows by the Richard J. Jones Annuitants' Assistance Fund.

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It was moved by Trustee Avila, seconded by Trustee Hamburger that the Board go into executive session per 2 (c)(11).

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Avila, seconded by Trustee Wright that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

- Based upon the recommendation of the Board's consulting physician, *it was moved by Trustee Hamburger, seconded by Trustee Brown that the Board approve a Functional Capacity Examination for Officer Zebrauskas.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

- Based upon the recommendation of the Board's consulting physician, *it was moved by Trustee Hamburger, seconded by Trustee Brown that the Board approve a Functional Capacity Examination for Sergeant Saladino.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

EXECUTIVE DIRECTOR'S REPORT CONCLUDED

All business concluded for this date, February 24, 2017, *it was moved by Trustee Hamburger, seconded by Trustee Brown that this meeting be adjourned.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.