
MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
THURSDAY – JUNE 29, 2017

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held June 29, 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, Lappe, Wright 5.

ABSENT: Hauser, Maloney, Summers 3.

PRESIDING: Vice President and Trustee Wright

Trustee Wright called the meeting to order.

The first order of business was review and adoption of Board orders as submitted by the Board's counsel.

Board counsel, David Kugler, discussed the matter of **Allen Hall**, which was a case before the Board earlier this year. This case was before the Court on Administrative review. After the initial hearing, the Judge sent it back and wanted more definitive findings to be made by the Board based upon the record that was before him. The order was redrafted with the Judge's comments in mind and was presented to the Trustees.

"Pursuant to 40 ILCS 5/5-227 and for all the reasons stated herein, Hall's annuity benefit shall terminate effective December 4th, 2014, the date he was sentenced for the felonies he was convicted of."

It was moved by Trustee Lappe, seconded by Trustee Avila that the Board approve the order on Allen Hall as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

In the matter of **Thomas Varga**, the Board finds "Pursuant to 40 ILCS 5/5-214 and for all of the reasons stated herein, Varga has not established entitlement to the police pension service credit for the period April 27th, 2016, through November 9th, 2016, at which time he was employed as a police officer for the Village of Glenview. As the statutory provision of the Act does not grant police pension service credit for such service, Varga's request for police pension service credit for all or part of the time period requested is, therefore, denied."

It was moved by Trustee Lappe, seconded by Trustee Avila that the Board approve the order on Thomas Varga as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

In the matter of **Rickey Williams**, the "Board finds that Williams' medical condition is not now disabling as disability is defined in the Act. Payment of Williams' duty disability benefits will, therefore, cease on June 30th, 2017, and Williams is directed to return to the CPD for assignment."

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board approve the order on Rickey Williams as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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Next order of business is review of the Minutes of the last regular meeting of the Retirement Board held May 26, 2017.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

Next was the approval of the minutes of the Investment Committee meeting held June 26, 2017.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

Review and approval of the minutes of the Audit and Actuarial Committee meeting held June 12, 2017.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

The Vice President conducted the agenda as follows:

PAGE NO. REFERENCE

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

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

7 - 12 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations,
and Exempt Rank

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board approve the Refunds as detailed on page 7.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board approve the Refunds as detailed on pages 8 through 11.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

It was moved by Trustee Brown, seconded by Trustee Avila that the Board approve the Exempt Rank Refunds as detailed on page 12.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

13 - 14 Payment to Heirs of Deceased Annuitants

It was moved by Trustee Avila, seconded by Trustee Brown that the Board approve the Payment to Heirs of Deceased Annuitants as detailed on pages 13 and 14.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

15 Refund of Automatic Increase Contributions

It was moved by Trustee Brown, seconded by Trustee Avila that the Board approve the Refund as detailed on page 15.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

16 - 26 Annuities [Summary pg. 27]

It was moved by Trustee Avila, seconded by Trustee Brown that the Board approve the Annuities as detailed on pages 16 through 26.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

28 Annuities to Widows [Summary pg. 29]

It was moved by Trustee Brown, seconded by Trustee Avila that the Board approve the Annuities to Widows as detailed on page 28.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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30 Ordinary Disability Benefit Claims

a) **Conway, Patrick M.**

Based on the medical reports, it was moved by Trustee Avila, seconded by Trustee Lappe that the Board grant Patrick M. Conway an ordinary disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

b) **Ralphson, Kathy M.**

Based on the medical reports, it was moved by Trustee Avila, seconded by Trustee Hamburger that the Board grant Kathy M. Ralphson an ordinary disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

31 Duty and Occupational Disease Disability Benefit Claims

c) **Gounaris, George ♥**

After lengthy discussion and review of the medical reports, it was moved by Trustee Lappe, seconded by Trustee Avila that the Board grant an occupational disease disability benefit to George Gounaris with the understanding that he will be medically reviewed in four to six months.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

d) **Tellez, Karen A.**

Based on the medical reports, it was moved by Trustee Avila, seconded by Trustee Brown that the Board 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. Noted for the record, this officer returned to active duty May 12, 2017, therefore disability benefits awarded would terminate on her date of return to work.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

32 - 34 Payment of Death Benefits [Summary pg. 35]

It was moved by Trustee Brown, seconded by Trustee Avila that the Board approve the Death Benefits as detailed on pages 32 through 34.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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PAGE NO. REFERENCE

MISCELLANEOUS

36 REQUEST FOR PENSION CREDIT FOR LEAVE OF ABSENCE MILITARY SERVICE
Documentation verified, it was moved by Trustee Brown, seconded by Trustee Hamburger that the Board approve the request to purchase military leave of absence service as detailed on page 36.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

37 REQUESTS FOR PENSION CREDIT FOR PRIOR COOK COUNTY
SERVICE UNDER 5-214 (c)

Documentation verified, it was moved by Trustee Hamburger, seconded by Trustee Brown that the Board approve the requests to purchase prior Cook County service as detailed on page 37.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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

Documentation verified, it was moved by Trustee Avila, seconded by Trustee Hamburger that the Board approve the requests to purchase prior military service as detailed on page 34.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

General Agenda completed.

Henry Rosen, esquire, of Robbins Geller Rudman & Dowd LLP was contacted via telephone and joined the meeting to discuss a proposed settlement in the Fund's Lead Plaintiff Class Action against Gerdau S.A., et al.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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HEARINGS

PAGE NO. REFERENCE

39 REQUEST FOR PENSION CREDIT FOR PRIOR SERVICE

Vazquez, Dave W.

Officer Vazquez appeared before the Board without counsel. Board counsel reviewed with Officer Vazquez the procedures of an administrative hearing, along with his right to have an attorney present. Officer Vazquez agreed to proceed without legal representation. After hearing testimony and reviewing the documents submitted in this case, *it was moved by Trustee Avila, seconded by Trustee Hamburger that the Board enter into executive session.*

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

It was moved by Trustee Lappe, seconded by Trustee Avila that the Board grant Officer Vazquez's request to purchase pension credit for his prior service as detailed on page 39.

ROLL CALL

For: Avila, Lappe, Wright 3.

Absent: Hauser, Maloney, Summers 3.

Against: Brown, Hamburger 2.

40 REQUEST FOR PENSION CREDIT FOR LEASE OF ABSENCE SERVICE

Bazar, Edward A.

Officer Bazar appeared before the Board without counsel. Board counsel reviewed with Officer Bazar the procedures of an administrative hearing, along with his right to have an attorney present. Officer Bazar agreed to proceed without legal representation. After hearing testimony, reviewing the documents submitted in this case and pursuant to 40 ILCS 5/5-214, *it was moved by Trustee Lappe, seconded by Trustee Brown that the Board deny Officer Bazar's request to purchase pension credit while on a leave of absence.*

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

DISABILITY HEARINGS

DUTY DISABILITY STATUS REVIEWS

41 **Alesia, Michael J.**

Attorney for Officer Alesia appeared before the Board and requested a two-month continuance, to have time to obtain necessary medical records.

It was moved by Trustee Hamburger, seconded by Trustee Avila that the Board grant a continuance on the status review of Michael Alesia to the August Board meeting.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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DUTY DISABILITY STATUS REVIEWS

42 **Flynn, Therese J.**

Counsel for Sgt. Therese Flynn forwarded a request to the Board seeking a continuance, as Sgt. Flynn is scheduled to have a procedure on her thumb on June 26, 2017, and would need time to recover.

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board grant a continuance on the status review of Therese Flynn to the September Board meeting.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

43 **Katsaros, Dimitrios T.**

Attorney for Officer Katsaros appeared before the Board and requested a two-month continuance, to have time to obtain necessary medical records.

It was moved by Trustee Brown, seconded by Trustee Avila that the Board grant a continuance on the status review of Dimitrios Katsaros to the August Board meeting.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

44 **Moore, George E.**

Officer Moore appeared before the Board with counsel, on his disability status review. After hearing testimony from Officer Moore, Sgt. Kemper of the Chicago Police Department Medical Section and reviewing the medical documents, *It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board terminate Officer Moore's duty disability benefit effective July 31, 2017.*

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

45 **Valenti, Ross J.**

Officer Valenti appeared before the Board with counsel on his duty disability status review. After hearing testimony from Officer Valenti, the Board's consulting physician, reviewing the identified medical reports and documents submitted, and viewing an evidentiary video *it was moved by Trustee Avila, seconded by Trustee Brown that the Board enter into executive session per 2 (c)(11).*

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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DUTY DISABILITY STATUS REVIEWS

45 **Valenti, Ross J.**, continued

Additional testimony from the Board's consulting physician was taken, *it was moved by Trustee Avila, seconded by Trustee Lappe that the Board enter into executive session per 2 (c)(11).*

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Brown that the Board finds Officer Valenti no longer disabled and terminates his duty disability benefits July 31, 2017.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

Trustee Brown left the proceedings.

46 DUTY DISABILITY BENEFIT CLAIMS

Board counsel informed the attorney representing the duty disability claimant, Diana Enderle, that the Board did not have a quorum at the present. There are four members and one member will be returning shortly. So it was proposed, if in agreement, the Trustees present hear the case, take the testimony and when Trustee Brown returns, the Board will review the testimony with her and at that time the Board will make a decision in the case.

There were no objections made.

The Board's subsequent decision would be made in open session.

Enderle, Diana M.

Diana Enderle appeared before the Board, with counsel, on her claim for a duty disability benefit. After hearing testimony from Officer Enderle and reviewing the identified medical reports and documents submitted, this matter was suspended for lack of a quorum.

Again, Board counsel informed the attorney representing the scheduled duty disability claimant, Elias Giannos, that the Board did not have a quorum at the present. There are four members and one member will be returning shortly. So it was proposed, if in agreement, the Trustees present hear the case, take the testimony and when Trustee Brown returns, the Board will review the testimony with her and at that time the Board will make a decision in the case.

There were no objections made.

The Board's subsequent decision would be made in open session.

Giannos, Elias H.

Elias H. Giannos appeared before the Board, with counsel, on his claim for a duty disability benefit. After hearing testimony from Officer Giannos and reviewing the identified medical reports and documents submitted this matter was suspended for lack of a quorum.

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46 DUTY/OCCUPATIONAL DISABILITY CLAIMS, continued

Once again, Board counsel informed the attorney representing the scheduled occupational disease disability claimant, Victor Vaccaro, that the Board did not have a quorum at the present. There are four members and one member will be returning shortly. So it was proposed, if in agreement, the Trustees present hear the case, take the testimony and when Trustee Brown returns, the Board will review the testimony with her and at that time the Board will make a decision in the case.

There were no objections made.

The Board's subsequent decision would be made in open session.

Vaccaro, Victor C. ♥

Victor C. Vaccaro appeared before the Board, with counsel, on his claim for an occupational disease disability benefit. After hearing testimony from Officer Vaccaro, the Board's consulting physician and reviewing the identified medical reports and documents submitted, this matter was suspended for lack of a quorum.

Trustees Brown returned to the proceedings.

WITH A QUORUM PRESENT

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board enter into executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

In the matter of Robbins Geller Rudman & Dowd LLP, representing the Fund as lead plaintiff in the **Gerdau** matter, the Trustees take retained counsel's recommendation to accept the settlement offer and that the fees as stated in the retainer are approved by the Board for submission to the Court; *so moved by Trustee Lappe, seconded by Trustee Hamburger.*

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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46 DUTY DISABILITY CLAIMS, continued

In the matter of **George Dovin**, "The Board finds that Dovin's application for a duty disability benefit is denied. Dovin is granted an ordinary disability benefit commencing April 1, 2016, and continuing until further order of the Board, but in no event shall such benefit continue past February 6, 2020."

The request for pension credit for other service under 40 ILCS 5/5-214 is denied. Dovin expressly waives any appealable right to filing an administrative review proceeding or other legal proceeding relating to the matters resolved in the agreement.

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board approve the order on George Dovin as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

In the matter **Diana M. Enderle**

It was moved by Trustee Hamburger, seconded by Trustee Brown that the Board award Officer Enderle a duty disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board grant the duty disability award at 50% of salary as defined in the Statute.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

In the matter of **Victor C. Vaccaro**

It was moved by Trustee Hamburger, seconded by Trustee Avila that the Board grant Officer Vaccaro an ordinary disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board deny the occupational disease disability claim.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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46 DUTY DISABILITY CLAIMS, continued

In the matter **Elias H. Giannos**

It was moved by Trustee Lappe, seconded by Trustee Brown that the Board award Officer Giannos a duty disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

The Executive Director reviewed with the Board the following matters.

- Distributed to the Board members was communication from the City's Budget Director, Ms. Alexandra Holt, requesting estimates on the tax levy and the Fund's Executive Director's draft response, which is due July 14, 2017. Review was completed and edits were requested, noting the Executive Director will submit the response.
- The next item was reminding the Board members of the Election Sufficiency Board meeting scheduled for July 13, 2017 at 11:00 a.m. in the Fund offices. A quorum is necessary to pass on the sufficiency of the submitted petitions for the special election to be held August 4, 2017.
- The Board's consulting physician has submitted a request for reimbursement of parking fees for the Fund's duty disability recipients who are examined and receive a voucher to waive the parking fee.

It was moved by Trustee Lappe, seconded by Trustee Avila that the Board approve the parking supplement for the disability members that visit Dr. Orris.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.

- An update was provided on the securities litigation counsel RFP that was posted in May and closed June 16th. There were between twenty-five and thirty responses. At this time, Fund counsel has been requested to consolidate those responses into a summary document that can be shared with the Board for further review and selection. The summary document will include the standard criteria of office location, MWDBE status, years in business and firm size. Any other matters that any Trustee would specifically like to see in such analysis, please let staff know. It is anticipated that this analysis may be ready in August.

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- On a personnel matter, the Executive Director reports the resignation of the Fund's Comptroller, James Dollard. His last day is July 14, 2017. The Comptroller position will be advertised and the Fund will look for candidates.
- The last item was an email matter forwarded from Trustee Hamburger. An email was sent from Alex Roland, a student at Northern Illinois, in which he discussed a bill that's pending, House Bill 775, which includes climate change risk and investment matters. Trustee Hamburger had inquired of the Executive Director if a response could be sent. A response was prepared, sent to Mr. Roland and shared with the Trustees.

EXECUTIVE DIRECTOR'S REPORT CONCLUDED

All business concluded for this date, June 29, 2017, *it was moved by Trustee Brown, seconded by Trustee Hamburger that this meeting be adjourned.*

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Wright 5.

Absent: Hauser, Maloney, Summers 3.

Against: 0.