



RETIREMENT BOARD OF THE
POLICEMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

MINUTES OF THE PROCEEDINGS

REGULAR MEETING

THURSDAY – FEBRUARY 27, 2020

AGENDA

February 27, 2020

Friday – 9:00 A.M.

- 1- Roll Call
- 2- Requests from Members of the Public to Address the Board
- 3- Approval of Minutes
 - a. Regular Board meeting held January 30, 2020
 - b. Executive Sessions from January 30, 2020
 - c. Investment Committee meeting held February 24, 2020
- 4- Approve Board Orders
 - a. David Esparza
 - b. William Prunte
- 5- Approval of Benefit Applications – **REFER TO MONTHLY DOCKET**
- 6- Annuity Calculation – Court Remand
 - a. Pietrowski, Arlen
- 7- Hearings on Duty Disability Applications
 - a. Swistowicz, Craig
 - b. Treacy, Joseph
 - c. Webb, Nicholas
- 8- Hearings on Prior Service Application
 - a. Burress, Rhonda
 - b. Fisher-Smith, April * *see page 8 of these minutes***
 - c. Murray, Solomon
- 9- Board review of physician’s recommendations on disability recipients’ re-examinations
- 10- Items for review
 - a. Discussion on Disability Requests
- 11- Legal
 - a. In-Process Cases Status Report
- 12- Other Business

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund of Chicago (the "Fund") was held 9:00 a.m. February 27, 2020, at the office of the Fund, 221 North LaSalle Street, Suite 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 Deposition Solution LLC Court Reporters and are made a part of the record.

Board Members:

Thomas Beyna	- President
Michael Lappe	- Vice President
Brian Wright	- Recording Secretary
Jennie Bennett *	- Trustee
Melissa Conyears-Ervin *	- Trustee
Susie Park *	- Trustee
Stephen Skardon	- Trustee

Staff & Consultants

Erin Keane	- Executive Director
Caroline Vullmahn	- Comptroller
David Kugler	- Board Counsel
Justin Kugler	- Legal Counsel
Kay Hylton	- Benefits Manager
Bob Crawford	- Disability Manager
Dr. Peter Orris	- Board Physician

Absent:

Edward Wodnicki	- Trustee
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Public in Attendance:

Carlos Saladino *	- Retired CPD – FOP Representative
Rosemarie Giambalvo*	- Retired CPD
Christin Lowrie*	- UIC Medical Student
Jim Thompson*	- Attorney – FOP
Ralph Licari*	- Attorney – FOP

**Denotes partial attendance*

Roll Call

President Beyna determined a quorum was present and called the meeting to order.

REQUESTS FROM MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD

President Beyna then asked there were any requests from the public to address the Board. There was one request. Rosemarie Giambalvo was afforded the opportunity to address the Retirement Board.

APPROVAL OF MINUTES OF PRIOR MEETINGS

The first order of business was the review of the Minutes of the January 30, 2020, regular board meeting.

A motion was made by Trustee Skardon, seconded by Trustee Wright that the Board approve the minutes of January 30, 2020, as submitted.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

The next order of business was the review of the Minutes of the Executive Sessions of January 30, 2020.

A motion was made by Trustee Wright, seconded by Trustee Skardon that the Board approve the Minutes of the Executive Sessions of January 30, 2020, as identified.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

Next was the review of the Minutes of the February 24, 2020, Investment Committee board meeting. Trustees Conyears-Ervin and Beyna commented on the RFP for private equities.

A motion was made by Trustee Lappe, seconded by Trustee Wright that the Board approve the minutes of February 24, 2020, as submitted.

ROLL CALL: For: Beyna, Lappe, Skardon, Wright 4.
Against: Conyears-Ervin 1.
Absent: Bennett, Park, Wodnicki 3.

APPROVAL OF BOARD ORDER(S)

In the case of **David Esparza**, the order reads: the Board finds that pursuant to 40 ILCS 5/5-214.2, Esparza's application for the benefit sought had to be made no later than August 29th, 2019, and the submission completed on January 8th, 2020 was not timely brought. Accordingly, the Board finds that Esparza's application for Police Pension service credit prior to his appointment as a CPD officer for all or part of the time period requested is hereby denied.

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board approve the order on David Esparza as drafted.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

In the case of **William Prunte**, Attorney James Thompson on behalf of William Prunte appeared and addressed the Board.

The order in the case of William Prunte reads: Pursuant to the applicable provisions of 40 ILCS 5/5-227 and for all the reasons stated herein, Prunte is not entitled to an annuity benefit as the Board finds his felony convictions were related to, arose out of or were in connection with his service as a policeman and a clear nexus exists between his felony convictions and his service as a policeman.

A motion was made by Trustee Skardon, seconded by Trustee Lappe that the Board approve the order on William Prunte as drafted.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

President Beyna advised the members that the Board would move to the approval of Benefit Applications and Expense items as appearing in the February 2020 Docket and turned the meeting over to Board Secretary Wright.

DOCKET

PAGE NO. REFERENCE

1 - 5 Incurred Expenses for the Month of February 2019.

A motion was made by Trustee Beyna, seconded by Trustee Skardon that the Board approve the Incurred Expenses as detailed on pages 1 through 5.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

6 - 10 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations And Exempt Rank

A motion was made by Trustee Skardon, seconded by Trustee Lappe that the Board approve the Refunds as detailed on pages 6 through 10.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

11 - 12 Payment to Heirs of Deceased Annuitants

A motion was made by Trustee Skardon, seconded by Trustee Beyna that the Board approve payments to heirs of deceased annuitants as detailed on pages 11 and 12.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

13 - 21 Annuities [Summary pg. 22]

A motion was made by Trustee Skardon, seconded by Trustee Lappe that the Board approve the Annuities as detailed on pages 13 – 21.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.

Absent: Bennett, Park, Wodnicki 3.

DOCKET

PAGE NO. REFERENCE

23 Annuities to Widows [Summary pg. 24]

A motion was made by Trustee Skardon seconded by Trustee Beyna that the Board approve the other Annuities to Widows as detailed on page 23.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

25 Health Care Subsidy Reimbursements

Underwood, et al. v. City of Chicago et al. (13 CH 17450)

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board approve the issuance of health care subsidies as detailed on page 25.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

26 Duty / Occupational Disability Claim / Ordinary – New

a) Viti, Maria T.

After summarization provided by the Fund’s physician, Dr. Peter Orris, on the submitted IME;
A motion was made by Trustee Beyna, seconded by Trustee Lappe that the Board grant the officer Viti a duty disability benefit for the period July 21, 2019, through January 21, 2020.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

A motion was made by Trustee Beyna, seconded by Trustee Lappe that the Board grant the duty disability benefit at 75% of salary as defined in the Pension Act.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

27 - 28 Payment of Death Benefits (Summary pg. 29)

A motion was made by Trustee Beyna, seconded by Trustee Skardon to approve payment of the Death Benefits indicated on pages 27 and 28.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

**30 - 32 REQUESTS FOR PENSION CREDIT FOR MILITARY SERVICE
LEAVE OF ABSENCE UNDER 5/5-212.**

Documentation verified, a motion was made by Trustee Beyna, seconded by Trustee Lappe that the Board approve the request to purchase prior military service under 5-212 on pages 30 - 32.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

DOCKET

PAGE NO. REFERENCE

33 GUARDIANSHIP APPOINTMENT

Beal, Ebony

Documentation verified, a motion was made by Trustee Beyna, seconded by Trustee Skardon that the Board approve the guardianship appointment as detailed on page 33.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

34 GUARDIANSHIP APPOINTMENT

Parison, Deborah Kay

Documentation verified, a motion was made by Trustee Skardon, seconded by Trustee Lappe that the Board approve the guardianship appointment as detailed on page 34.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

35 CHILD DISABILITY BENEFITS

Vidales, Michael

Documentation verified, a motion was made by Trustee Skardon, seconded by Trustee Beyna that the Board approve the request to purchase prior military service under 5-212 on page 35.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

36 REQUESTS TO PURCHASE ADDITIONAL PENSION CREDIT FOR PRIOR COOK COUNTY LAW ENFORCEMENT SERVICE UNDER 5-214 (c)

Documentation verified, a motion was made by Trustee Beyna, seconded by Trustee Skardon that the Board approve the request to purchase prior Cook County service under 5/214(c) as detailed on page 36.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

37 REQUESTS TO PURCHASE ADDITIONAL PENSION CREDIT FOR PRIOR MILITARY SERVICE UNDER 5-214.3

Documentation verified, a motion was made by Trustee Beyna, seconded by Trustee Skardon, that the Board approve the request to purchase additional pension credit for prior military service under 5/214.3 as detailed on page 37.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.

Against: 0.
Absent: Bennett, Park, Wodnicki 3.

The docketed items having been completed, Secretary Wright turned the chair back to Fund President Beyna.

Executive Session No. 1

A motion was made by Trustee Skardon, seconded by Trustee Lappe to go into executive session under 5 ILCS 120/2 (c) (11) for the purpose of discussing scheduled cases.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

At the conclusion of the executive session a motion was made by Trustee Skardon, seconded by Trustee Wright to exit executive session.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

HEARINGS

DOCKET

PAGE NO. REFERENCE

38 APPLICATION FOR RETIREMENT BENEFITS - COURT REMAND
Pietrowski, Arlen

Retired member Arlen Pietrowski appeared, with counsel, before the Board on the court remand of his annuity calculation. At the Board meeting of July 25, 2019, the Board approved Mr. Pietrowski's application for annuity benefits; on August 2, 2019, a final written order was directed to Mr. Pietrowski; thereafter, Mr. Pietrowski filed a petition for administrative review in the Circuit Court, Cause No. 2019 CH 10303; on January 9, 2020, the Court issued an order remanding the matter back to the Board for further hearing and to supplement the record. Attorney for Mr. Pietrowski offered oral argument to support an alternate method of calculating Mr. Pietrowski's annuity.

After hearing argument and discussion, a motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board take this matter under advisement.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Park, Wodnicki 3.

Trustee Susie Park entered the meeting.

[The following cases appeared before the Board for hearings, though, not in the order of the docket]

DISABILITY HEARINGS

42 - 43 DUTY DISABILITY CLAIMS
Swistowicz, Craig

Officer Swistowicz appeared before the Board and requested a continuance to obtain legal counsel. *A motion was made by Trustee Wright, seconded by Trustee Skardon that the Board grant the officer a continuance until the April Board meeting.*

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 6.
Against: 0.
Absent: Bennett, Wodnicki 2.

DOCKET

PAGE NO. REFERENCE

42 - 43 DUTY DISABILITY CLAIMS, continued

Webb, Nicholas

Attorney for Nicholas Webb appeared before the Board, after preliminary review of this case the Trustees requested to continue this matter to a future date to obtain additional records.

A motion was made by Trustee Wright, seconded by Trustee Skardon that the Board continue this matter to the April 2020, Board meeting.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 6.
Against: 0.
Absent: Bennett, Wodnicki 2.

Treacy, Joseph

Joseph Treacy appeared, with counsel, before the Board on his application for a duty disability benefit. After reviewing documents and hearing testimony, *a motion was made by Trustee Wright, seconded by Trustee Lappe that the Board award Joseph Treacy duty disability benefits.*

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 6.
Against: 0.
Absent: Bennett, Wodnicki 2.

A motion was made by Trustee Wright, seconded by Trustee Lappe that the Board grant Joseph Treacy's duty disability award at 75% of salary as defined in the Pension Act.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 6.
Against: 0.
Absent: Bennett, Wodnicki 2.

MISCELLANEOUS

REQUESTS TO PURCHASE PENSION CREDIT FOR PRIOR SERVICE

40 ~~_____ Fisher-Smith, April~~

***AT THE BOARD MEETING HELD 03/30/2020; THE MINUTES OF THIS MEETING WERE APPROVED, EXCLUDING THE REQUEST OF APRIL FISHER-SMITH.**

April Fisher-Smith appeared before the Board, without counsel, for a hearing on her petition for pension credit for prior service. Board counsel advised the officer of her rights and the procedures of an Administrative hearing. Officer Fisher-Smith confirmed that she wanted to proceed without legal counsel. The Board reviewed submitted documents and heard testimony from Officer Fisher-Smith.

Trustee Bennett entered the meeting during testimony on this application.

Additional testimony was taken from Officer Fisher-Smith's witnesses; Carmella Means and Kimberly Lloyd of the Chicago Police Department. Various documents presented and reviewed.

Executive Session No. 2

A motion was made by Trustee Lappe, seconded by Trustee Park that the Board go into executive session per 5 ILCS 120/2 (C)(4).

ROLL CALL: For: Bennett, Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 7.
Against: 0.
Absent: Wodnicki 1.

A motion was made by Trustee Conyears-Ervin, seconded by Trustee Lappe that the Board exit executive session.

ROLL CALL: For: Bennett, Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 7.
Against: 0.
Absent: Wodnicki 1.

A motion was made by Trustee Wright, seconded by Trustee Lappe that the board defer this matter for further advisement.

ROLL CALL: For: Beyna, Lappe, Wright 3.
Against: Conyears-Ervin, Park, Skardon 3.
Abstain: Bennett 1.
Absent: Wodnicki 1.

MOTION FAILS

A motion was made by Trustee Skardon, seconded by Trustee Park that the Board grant Officer Fisher-Smith pension credit for her prior service.

ROLL CALL: For: Bennett, Conyears-Ervin, Park, Skardon 4.
Against: Beyna, Lappe, Wright 3.
Absent: Wodnicki 1.

Trustee Bennett left the meeting.

39 **Burress, Rhonda**

Rhonda Burress appeared before the Board, without counsel, for a hearing on her petition for pension credit for prior service. Board counsel advised the officer of her rights and the procedures of an Administrative hearing. Officer Burress confirmed that she wanted to proceed without legal counsel.

The Board reviewed submitted documents and heard testimony.

Executive Session No. 3

A motion was made by Trustee Skardon, seconded by Trustee Park that the Board go into executive session per 5 ILCS 120/2 (C)(4).

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 6.
Against: 0.
Absent: Bennett, Wodnicki 2.

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board exit executive session.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 6.
Against: 0.
Absent: Bennett, Wodnicki 2.

A motion was made by Trustee Skardon, seconded by Trustee Lappe that the Board grant Officer Burress pension credit for her prior service.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 6.
Against: 0.
Absent: Bennett, Wodnicki 2.

41 **Murray, Solomon**

Solomon Murray appeared before the Board, without counsel, for a hearing on his petition for pension credit for prior service. Board counsel advised the officer of his rights and the procedures of an Administrative hearing. Officer Murray confirmed that he wanted to proceed without legal counsel.

Trustee Conyears-Ervin left the meeting.

The Board reviewed submitted documents and heard testimony.

Executive Session No. 4

A motion was made by Trustee Skardon, seconded by Trustee Park that the Board go into executive session per 5 ILCS 120/2 (C)(4).

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

A motion was made by Trustee Skardon, seconded by Trustee Wright that the Board exit executive session.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

A motion was made by Trustee Lappe, seconded by Trustee Wright that the Board grant Officer Murray pension credit for his prior service.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

Executive Session No. 5

A motion was made by Trustee Wright, seconded by Trustee Skardon that the Board go into executive session pursuant to 5 ILCS 120/2 (c) (11).

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

A motion was made by Trustee Skardon, seconded by Trustee Wright that the Board exit executive session.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

Executive Session No. 6

A motion was made by Trustee Skardon, seconded by Trustee Wright that the Board go into executive session pursuant to 5 ILCS 120/2 (c) (11).

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

A motion was made by Trustee Skardon, seconded by Trustee Wright that the Board exit executive session.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

Next was the review of items from The Fund's Executive Director, Erin Keane

- A staff update; Caroline Vullmann, Fund Comptroller has resigned her position with the Policemen's Annuity and Benefit Fund to accept a new position.
- Due to the Comptroller's resignation, the Fund's master custodian requires another authorized individual as signer for Fund transactions.

A motion was made by Trustee Skardon, seconded by Trustee Wright that Board authorize President Tom Beyna as an authorized signer for the Funds master custodian.

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.

- An additional staff update; a part-time intern has recently been hired to assist with processing the healthcare subsidies as well as other projects.
- A job posting for the Fund's Comptroller will be completed.

All business concluded for this date, *a motion was made by Trustee Skardon, seconded by Trustee Wright that this meeting is adjourned.*

ROLL CALL: For: Beyna, Conyears-Ervin, Lappe, Park, Skardon, Wright 5.
Against: 0.
Absent: Bennett, Conyears-Ervin, Wodnicki 3.