



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

MINUTES OF THE PROCEEDINGS

REGULAR MEETING

THURSDAY – JANUARY 30, 2020

AGENDA

January 30, 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 December 20, 2019
 - b. Executive Sessions from December 20, 2019
 - c. Investment Committee meeting held January 27, 2020
- 4- Approve Board Orders
 - a. Miller, Michael
 - b. Kennelly, Michael
- 5- Approval of Benefit Applications – **REFER TO MONTHLY DOCKET**
- 6- Annuity Application
 - a. William Prunte
- 7- Hearings on Duty Disability Applications
 - a. Cornish, Lisa
 - b. Jackson, Matthew
 - c. Mitchell, Erik
 - d. Rutkowski, Kirk
- 8- Hearings on Disability Status Review
 - a. Jaber, Rabi
- 9- Hearings on Prior Service Application
 - a. Gurley, Andrew
- 10- Board review of physician’s recommendations on disability recipients’ re-examinations
- 11- Items for review
 - a. Discussion of Continuing Benefit Eligibility Affidavits
 - b. Legislative Updates
 - c. Trustee Education
- 12- Legal
 - a. In-Process Cases Status Report
- 13- 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. January 30, 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
Susie Park	- Trustee
Brian Wright	- Recording Secretary
Jennie Bennett	- Trustee
Melissa Conyears-Ervin	- Trustee
Stephen Skardon	- Trustee

Staff & Consultants

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

Absent:

Edward Wodnicki	- Trustee
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Public in Attendance:

Carlos Saladino *	- Retired CPD – FOP Representative
Brody Gaffney*	- UIC Medical Student
Marty Johnson*	- City Finance Office
Connor Brascher*	- Staff, City Finance Officer
Mauricio Banuclos*	- Staff, City Treasurer
Dan Mihalopoulos*	- Reporter, WBEZ

*Denotes partial attendance

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 were no requests.

APPROVAL OF MINUTES OF PRIOR MEETINGS

The first order of business was the review of the Minutes of the December 20, 2019, regular board meeting.

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board approve the minutes of December 20, 2019, as submitted.

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

The next order of business was the review of the Minutes of the Executive Sessions of December 20, 2019.

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board approve the Minutes of the Executive Sessions of December 20, 2019, as identified.

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

Next was the review of the Minutes of the January 27, 2020, investment committee board meeting.

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board approve the minutes of January 27, 2020, as submitted.

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

APPROVAL OF BOARD ORDER(S)

In the case of **Michael Miller**, the order reads: pursuant to 40 ILCS 5/5-214 and 40 ILCS 5/5-214.2, and for all the reasons stated herein, Miller has not established entitlement to the police pension service credit for the period August 27, 2008 through August 29, 2009, at which time he was employed as a regular teacher with the Chicago Public Schools; and for the period September 8, 2009 through April 23, 2011, at which time he was employed as a day-to-day substitute teacher with the Chicago Public Schools, as the statutory provisions of the Act do not grant police pension credit for such service. Miller's request for police pension service credit for all or part of the time period requested is denied.

A motion was made by Trustee Lappe, seconded by Trustee Wright that the Board approve the order on Michael Miller as drafted.

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

In the case of **Michael Kennelly**, the order reads The Board finds that Kennelly's medical condition is not disabling as disability is defined in the Act. Payment of Kennelly's duty disability benefits will therefore cease on January 31, 2020, and Kennelly is directed to return to the CPD for assignment. *A motion was made by Trustee Wright, seconded by Trustee Skardon that the Board approve the order on Michael Kennelly as drafted.*

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

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

DOCKET

PAGE NO. REFERENCE

1 - 6 Incurred Expenses for the Month of January 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 6.

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

7 - 10 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations And Exempt Rank

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board approve the Refunds as detailed on pages 7 through 10.

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

11 - 12 Payment to Heirs of Deceased Annuitants

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

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

13 - 16 Annuities [Summary pg. 17]

A motion was made by Trustee Beyna, seconded by Trustee Skardon that the Board approve the Annuities as detailed on pages 13 – 16.

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

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18 Annuities – Revised

A motion was made by Trustee Beyna, seconded by Trustee Skardon that the Board approve the Revised Annuities as detailed on page 18.

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

19 - 20 Annuities to Widows [Summary pg. 21]

A motion was made by Trustee Beyna seconded by Trustee Skardon that the Board approve the other Annuities to Widows as detailed on pages 19 and 20.

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

22 Annuities to Children

A motion was made by Trustee Beyna seconded by Trustee Skardon that the Board approve the Annuities to Children as detailed on 22.

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

23 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 Beyna that the Board approve the issuance of health care subsidies as detailed on page 23.

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

24 Duty / Occupational Disability Claim – New

a) Hernandez, Jr., Edwin

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 subject to a full evidentiary hearing an ordinary benefit without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if it is deemed warranted.

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

DOCKET

PAGE NO. REFERENCE

25 - 27 Payment of Death Benefits (Summary pg. 28)

A motion was made by Trustee Beyna, seconded by Trustee Skardon to approve payment of the Death Benefits indicated on pages 25 through 27.

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

**29 - 30 REQUESTS FOR PENSION CREDIT FOR MILITARY SERVICE
 LEAVE OF ABSENCE UNDER USERRA and 5-212.**

Documentation verified, a motion was made by Trustee Beyna, seconded by Trustee Skardon that the Board approve the request to purchase prior military service under 5-212 on pages 29 - 30.

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

**31 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 31.

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

**32 REQUESTS TO PURCHASE ADDITIONAL PENSION CREDIT FOR PRIOR
 LAW ENFORCEMENT SERVICE UNDER 5-214.2**

*Documentation verified, a motion was made by Trustee Beyna, seconded by Trustee Skardon, that the Board deny the request of **David Esparza**, to purchase additional pension credit for prior under 5/214.2 as detailed on page 32.*

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

*Documentation verified, a motion was made by Trustee Beyna, seconded by Trustee Lappe, that the Board approve the request of **Richard Santana** to purchase additional pension credit for prior law enforcement service under 5/214.2 as detailed on page 32.*

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

DOCKET

PAGE NO. REFERENCE

**33 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 33.

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

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

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

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

HEARINGS

ANNUITY APPLICATION 40 ILCS 5/227

Pruente, William

The record would reflect that on November 25th, 2019, the Board commenced a hearing in the Pruente matter. Documents were offered and admitted into the record. At the end of the hearing, there was a motion to grant Mr. Pruente his application for a pension benefit. The hearing centered around whether or not the felony conviction invoked the statute 5/5-227, the felony conviction statute, regarding forfeiture of a pension benefit if it's related to, arising out of or in connection with his service as a policeman.

Subsequently, on December 20, 2019, there was a motion made prior to the time that any formal Board order was issued or the Board affirmed its decision in the subsequent December hearing, to rescind the vote and to set the matter down for further hearing after obtaining legal opinions regarding whether or not he was entitled to the pension benefit.

On January 30, 2020, Williams Pruente appeared, with attorneys Timothy Grace and James Thompson, on the continued hearing of his application for annuity. The Board addressed the submitted Brief and Arguments offered therein.

DOCKET
PAGE NO. REFERENCE

Executive Session No. 2

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

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 Conyears-Ervin 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 Skardon, seconded by Trustee Conyears-Ervin that the Board deny Mr. Pruenete's application for an annuity pursuant to 40 ILCS 5/5-227, Felony Conviction.

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

34 - 35 HEARINGS ON DUTY DISABILITY APPLICATIONS

Cornish, Lisa

James Thomson, Attorney for Lisa Cornish, requested a continuance of her hearing on her duty disability claim.

A motion was made by Trustee Wright, seconded by Trustee Skardon that the Board grant a continuance to the March 30, 2020, Board meeting.

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

Jackson, Matthew

Matthew Jackson appeared, with counsel, before the Board on his claim for a duty disability benefit. After reviewing documents and hearing testimony, *a motion was made by Trustee Wright, seconded by Trustee Skardon that the Board award Matthew Jackson duty disability benefits for the period February 1, 2019 through January 7, 2020, as he returned to active duty January 8, 2020.*

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 Skardon that the Board grant Matthew Jackson's duty disability award at 75% of salary as defined in the Pension Act.

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

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PAGE NO. REFERENCE

34 - 35 HEARINGS ON DUTY DISABILITY APPLICATIONS

Mitchell, Erik

Erik Mitchell appeared before the Board, without counsel, and requested a continuance of his hearing on his duty disability claim to obtain additional medical reports.

A motion was made by Trustee Lappe, seconded by Trustee Skardon that the Board grant a continuance to the March 30, 2020, Board meeting.

ROLL CALL: For: Bennett, Beyna, Coneyears-Ervin, Lappe, Park, Skardon, Wright 7.

Against: 0.

Absent: Wodnicki 1.

Rutkowski, Kirk

Kirk Rutkowski, appeared before the Board with counsel, Ralph Licari, and submitted a request for a continuance to obtain additional medical reports. *A motion was made by Trustee Wright, seconded by Trustee Lappe that the Board to grant his request for a continuance to March 30, 2020.*

ROLL CALL: For: Bennett, Beyna, Coneyears-Ervin, Lappe, Park, Skardon, Wright 7.

Against: 0.

Absent: Wodnicki 1.

36 DUTY DISABILITY STATUS REVIEW

Jaber, Rabi

Ralph Licari, attorney for Rabi Jaber submitted a request for a continuance. *A motion was made by Trustee Skardon, seconded by Trustee Wright that the Board to grant his request for a continuance to March 30, 2020.*

ROLL CALL: For: Bennett, Beyna, Coneyears-Ervin, Lappe, Park, Skardon, Wright 7.

Against: 0.

Absent: Wodnicki 1.

37 CREDIT FOR OTHER SERVICE

Gurley, Andrew J.

Communication from Officer Gurley indicated that he was unable to obtain requested items that the Board requested. Therefore, he requested that his petition be postponed until obtaining additional documentation.

A motion was made by Trustee Lappe, seconded by Skardon, that the Board grant a continuance to Andrew Gurley.

ROLL CALL: For: Bennett, Beyna, Coneyears-Ervin, Lappe, Park, Skardon, Wright 7.

Against: 0.

Absent: Wodnicki 1.

Executive Session No. 3

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

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

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

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

Executive Session No. 4

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

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

WHEREUPON, Trustee Conyears-Ervin left the meeting.

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

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

*A motion was made by Trustee Wright, seconded by Skardon, that the Board approve a psychological evaluation on Sgt. **Michelle L. Turney**.*

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

*A motion was made by Trustee Wright, seconded by Skardon, that the Board approve a Functional Capacity Evaluation **Robert Greif**.*

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

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

- An update on the 2019 Annuitant Affidavits. There remain 166 annuitants that have not returned a signed affidavit, after 3 letters were directed to them. There have been active attempts to reach out to these members. Consideration is required on which date should the annuity payment for the non-responsive annuitants be suspended. Through mutual Trustee agreement, the suspension should be June 2020, which provides a full year for a response.
- The Fund’s courtesy “HELPS” [*Healthcare Enhancement for Local Public Safety Retirees Act of 2005 (retirement benefit)*] letter for retired members who pay premiums for healthcare coverage, shall be going out this date. A copy is available for review.
- The Healthcare Subsidy Reimbursement letter for 2019 is being sent out.
- Trustee education reminder, please forward anything to the Executive Director, that a Trustee wants tracked for 2020 requirements.
- William Blair reached out inviting the Board members to a ‘Hero’s Breakfast’ in April 2020, it’s an American Red Cross event honoring a variety of American Heroes. Information will be forwarded to each Trustee.

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

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