
MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
THURSDAY – JUNE 28, 2018

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held June 28, 2018, at 9:30 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 Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

ABSENT: Summers 1.

PRESIDING: President Hauser

President Hauser called the meeting to order.

The first order of business was review and approval of the minutes for the Audit and Actuarial Committee meeting held June 18, 2018.

It was moved by Trustee Brown, seconded by Trustee Wright that the Board approve the minutes of June 18, 2018, as submitted.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

The next order of business was review of the Minutes for the Regular Board meeting held May 24, 2018.

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board approve the minutes of May 24, 2018, as submitted.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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

In the matter of **Randall Jones**, the Board finds "Pursuant to 40 ILCS 5/5-214.2, and for all the reasons stated herein, Jones has not established entitlement to the police pension service credit accrued May 1, 1992, through September 1, 1997, at which time he was employed as a Detention Aide for the Chicago Police Department. As the statutory provision of the Act does not grant police pension service credit for such service, Jones' request for police pension service credit for all or part of the time period requested is therefore denied."

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board approve the order regarding Randall Jones.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

In the matter of **Steven Segura**, the Board finds "Pursuant to 40 ILCS 5/5-214, 214.2, and 5/5-212, and for all the reasons stated herein, Segura has not established entitlement to the police pension service credit for the period January 20, 2009, through November 3, 2010, at which time he was employed as security for Ambrose Plamondon School with the Chicago Public Schools. As the statutory provisions of the Act do not grant police pension service credit for such service, Segura's request for police pension service credit for all or part of the time period requested is therefore denied."

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It was moved by Trustee Beyna, seconded by Trustee Wright that the Board approve the order regarding Steven Segura.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

In the matter of **Eric Wier**, the Board finds "Pursuant to 40 ILCS 5/5-214 and 214.2, and for all the reasons stated herein, Wier has not established entitlement to the police pension service credit for the period January 9, 1986, through November 29, 1993, at which time he was employed as a Category 3 employee, protective status employee for Dane County, Wisconsin. As the statutory provisions of the Act do not grant police pension service credit for such service, Wier's request for police pension service credit for all or part of the time period requested is therefore denied."

It was moved by Trustee Beyna, seconded by Trustee Caldero that the Board approve the order regarding Eric Wier.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

The President turned the meeting over to the Recording Secretary. Review of the agenda was as follows:

PAGE NO. REFERENCE

1 - 4 Incurred Expenses for the Month of June 2018.

It was moved by Trustee Beyna, seconded by Trustee Caldero that the Board approve the Obligations as detailed on pages 1 through 4.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

5 - 7 Refund of Contributions; Withdrawal of Service, Widow's Annuity
Accumulations, and Exempt Rank.

It was moved by Trustee Hauser, seconded by Trustee Brown that the Board approve the Refunds as detailed on pages 5 through 7.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

8 - 9 Payment to Heirs of Deceased Annuitants

It was moved by Trustee Hauser, seconded by Trustee Brown that the Board approve payments to heirs of deceased annuitants as detailed on pages 8 and 9.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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PAGE NO. REFERENCE

10 Payment to Heirs of Deceased Annuitants – *Retroactive amounts due*
It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve payments to heirs of deceased annuitants as detailed on page 10.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.
Absent: Summers 1.
Against: 0.

11 - 13 Annuities [Summary on page 14]
It was moved by Trustee Hauser, seconded by Trustee Beyna that the Board approve the Annuities as detailed on pages 11 through 13.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.
Absent: Summers 1.
Against: 0.

15 Annuities to Widows [Summary on page 16]
It was moved by Trustee Hauser, seconded by Trustee Brown that the Board approve the Annuities to Widows as detailed on page 15.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.
Absent: Summers 1.
Against: 0.

17 Duty and Occupational Disease Disability Claim
 a) **Ortiz, Juan A.**

Based on the medical reports, it was moved by Trustee Hauser, 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 if it is deemed warranted.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.
Absent: Summers 1.
Against: 0.

18 - 20 Payment of Death Benefits [Summary on page 21]
It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve payments of the death benefits as listed on pages 18 through 20.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.
Absent: Summers 1.
Against: 0.

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PAGE NO. REFERENCE

LEAVES

- 22 REQUESTS TO PURCHASE PENSION CREDIT FOR LEAVE OF ABSENCE MILITARY SERVICE USERRA AND 40 ILCS 5/5-212

Documentation verified, it was moved by Trustee Brown, seconded by Trustee Hamburger that the Board approve the requests to purchase leave of absence military service as detailed on page 22.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

MISCELLANEOUS

- 23 REQUEST TO PURCHASE PENSION CREDIT FOR PRIOR COOK COUNTY SERVICE UNDER 40 ILCS 5/5-214(c)

Documentation verified, it was moved by Trustee Hamburger, seconded by Trustee Beyna that the Board approve the request to purchase prior service as detailed on page 23.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

- 24 REQUESTS TO PURCHASE PENSION CREDIT FOR PRIOR MILITARY SERVICE UNDER 40 ILCS 5/5-214.3

Documentation verified, it was moved by Trustee Brown, seconded by Trustee Hauser that the Board approve the requests to purchase prior military service as detailed on page 24.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

- 25 REQUEST FOR CONSIDERATION ON DISABILITY TERM DATE

Lerch, William G.

William Lerch appeared before the Board on his request to extend the term date of his disability benefits, as detailed on page 25.

After reviewing the documentation presented and listening to retired Sergeant Lerch's details of his process to return to duty with the Chicago Police Department, *it was moved by Trustee Hamburger, seconded by Trustee Brown, that the Board enter into executive session per 2 (c)(11).*

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Hauser, seconded by Trustee Beyna, that the Board exit the executive session.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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*It was then moved by Trustee Brown, seconded by Trustee Hamburger that the Board grant **William Lerch** an additional month of disability benefits, for the period he was completing the process for reinstatement to the Chicago Police Department.*

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

The next order of business was review and approval of the minutes for the Investment Committee meeting held June 25, 2018.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board approve the minutes of June 25, 2018, as submitted.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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HEARINGS

26 REQUEST TO PURCHASE PENSION CREDIT FOR PRIOR SERVICE

Gomez, Juanita

Officer Gomez failed to appear before the Board on her request to purchase pension credit for prior service.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board defer Officer Gomez's request for pension credit for prior service indefinitely, until such time Officer Gomez indicates her desire to complete her petition.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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PAGE NO. REFERENCE
DISABILITY HEARINGS

27 OCCUPATIONAL DISABILITY CLAIM

Dybas, Ronald

Officer Ronald Dybas appeared before the Board, with counsel, on his claim for an occupational disability benefit. After hearing testimony from Officer Dybas, the Board's consulting physician Dr. Peter Orris, reviewing the medical reports and documents submitted, *it was moved by Trustee Hamburger, seconded by Trustee Beyna that the Board enter into executive session per 2(c) (11)*

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, 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: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

Based on the recent medical reports, it was moved by Trustee Beyna, seconded by Trustee Wright that the Board deny the benefit sought.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

28 DUTY DISABILITY STATUS REVIEW

McClendon, Jennifer

Probationary Officer McClendon appeared without counsel and requested a continuance on her disability status review.

It was moved by Trustee Hamburger, seconded by Trustee Beyna that the Board grant a continuance to the July 2018 Board meeting for Jennifer McClendon, with the suspension of benefits.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

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29 DUTY DISABILITY CLAIMS

Nelson, Kimberly

Attorney for Kimberly Nelson appeared before the Board, on her claim for a duty disability benefit. After a brief discussion *it was moved by Trustee Wright, seconded by Trustee Brown that the Board continue this hearing to the August 30, 2018 Board meeting to allow time for resolution of a matter regarding CPD medical leave time*

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

Rawls, Samuel B.

Officer Samuel Rawls appeared before the Board, with counsel, on his claim for a duty disability benefit. After hearing testimony from Officer Rawls, the Board's consulting physician Dr. Peter Orris, reviewing the medical reports and documents submitted, *it was moved by Trustee Beyna, seconded by Trustee Wright that the Board award Officer Rawls a duty disability benefit.*

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

It was then moved by Trustee Beyna, seconded by Trustee Wright that the Board grant the duty award at 75% of salary as defined in the Pension Statutes.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

Attorney for **Brian Warner** appeared before the Board to address a requested continuance to the July 2018 meeting to accommodate his doctor's appearance for testimony. Based upon this request, the Board requested that the hearing be scheduled for September 2018, when the physician that performed the independent medical exam for the Board is available. Attorney for Brian Warner agreed to the revised timeframe. Due to the availability of both physicians, *it was moved by Trustee Wright, seconded by Trustee Beyna that the Board continue the Status Review of Officer Brian Warner to the September 2018 meeting.*

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

The Executive Director reviewed with the Board the following matters.

- Ms. Tuczak reviewed with the Trustees the timeline for this year's election for two trustee positions. One position for the annuitant representative and the other is for the member that represents patrolman, investigator or ranks equivalent thereto. The timeframe of the election was discussed, including the sufficiency Board hearing in which a quorum must be present. A sufficiency hearing date was tentatively scheduled for Friday – October 5, 2018, at 9:30am, at which time all petitions for candidacy would be reviewed and the related ballot approved.

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- The next issue was a letter from the City of Chicago's Office of Budget and Management requesting estimates for the tax levy for budget years 2019 through 2023. Ms. Tuczak distributed a draft response letter to the Trustees for review, noting the amounts included in the response were derived from the current actuary report, and in addition GRS, the Fund's actuarial firm, will be preparing a letter to accompany the Fund's response.
- The next item, Ms. Tuczak formally introduced Caroline Vullmahn, the Fund's newly hired Comptroller, to the Trustees. Ms. Tuczak requested that Ms. Vullmahn be added as a signatory, as Comptroller, to the Northern Trust, the Fund's custodial bank.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board direct the Executive Director to file the appropriate documentation with the Northern Trust regarding the Fund's new Comptroller.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

- Executive Director Tuczak requested permission to attend the Illinois Government Finance Officers Conference in September of this year.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board approve Ms. Tuczak's attendance at the IGFOA Conference for 2018.

ROLL CALL

For: Beyna, Brown, Caldero, Hamburger, Hauser, Wodnicki, Wright 7.

Absent: Summers 1.

Against: 0.

- The next item concerns topics from Dr. Orris, the Board's physician.

Dr. Orris relayed to the Trustees, that the Occupational Services Institute at the University of Illinois (OSI at U of I), the department in which Dr. Orris works, contracts with and has consulted with a variety of City, County agencies and State agencies over a period of time. In the past, the Board has expressed concern that Dr. Orris not perform examinations for the City, as such may be a conflict with his services to the Board of Trustees. Dr. Orris indicated that OSI at U of I has two new relationships in which services may be performed for the Committee on Finance and/or the CPD Medical Section. Dr. Orris indicated, and the Board of Trustees confirmed, that with respect to these two new relationships, he will not perform any examinations for police officers, to avoid any conflict of interest or confusion for the police officer.

Dr. Orris next discussed the matter of John Kubik, a member previously in receipt of duty disability benefits. Mr. Kubik's benefits were suspended awhile ago, when he did not travel to Chicago for the required annual examination. Since that time documentation was provided suggesting a limitation on travel by Mr. Kubik, and two independent medical exams were conducted on Mr. Kubik closer to his residence. Dr. Orris discussed the results of such exams, noting that based upon such new information, the member is presently unlikely to return to duty.

WHEREUPON, Trustees Caldero left the proceedings.

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It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board retroactively reinstate Mr. Kubik's duty disability benefits, with a medical re-exam scheduled for April 2019 and results submitted to the Board by June 2019, to avoid suspension of benefits.

ROLL CALL

For: Beyna, Hamburger, Wodnicki, Wright 4.

Absent: Caldero, Summers 2.

Against: Brown, Hauser 2.

Last, Dr. Orris, discussed the matter of **Elizabeth Kerin**. This is a member currently in receipt of duty disability benefits, who has failed to attend her annual exam with Dr. Orris three times. Ms. Tuczak reviewed with the Trustees the Board's Policy concerning no-shows.

It was moved by Trustee Brown, seconded by Trustee Wodnicki that the Board suspend Elizabeth Kerin's duty disability benefits until she submits to a medical exam.

ROLL CALL

For: Beyna, Brown, Hamburger, Hauser, Wodnicki, Wright 6.

Absent: Caldero, Summers 2.

Against: 0.

- The last item from the Executive Director, Ms. Tuczak, was for informational purposes only. Ms. Tuczak discussed procedures the Firemen's Annuity and Benefit Fund of Chicago (FABF) is conducting with respect to receipt of tax levy collections. Ms. Tuczak noted that collection of tax levy receipts has been previously discussed with the Trustees, noting the Fund receives tax collections in a like manner to which the City collects such revenues, with an uncollectible portion each year. FABF is investigating procedures to potentially audit the uncollectible reserve. The Trustees indicated that they will await further updates on FABF efforts.

Board counsel, David Kugler, reviewed with the Board the following matters.

- Recent legislation affecting previously denied purchases of prior service has passed both houses, but is pending Governor signature. Mr. Kugler recommended that the Board send a letter to the City of Chicago requesting the City oppose the legislation for a variety of reasons. The Board directed Mr. Kugler to send the drafted letter directly to the Governor, with such drafted letter to include more information on the impact if passed.
- Lastly, Mr. David Kugler then reviewed with the Trustees an update on the hospitalization matters before Judge Cohen. Currently, two matters are before Judge Cohen; 1) responsibility for payment of the subsidy – the City or the Funds and 2) whether the Funds are responsible for contracting for insurance for members. Briefs on these issues are due in the upcoming weeks.

All business concluded for this date, June 28, 2018, *it was moved by Trustee Hamburger, seconded by Trustee Brown that this meeting be adjourned.*

ROLL CALL

For: Beyna, Brown, Hamburger, Hauser, Wodnicki, Wright 6.

Absent: Caldero, Summers 2.

Against: 0.