

October 2008**POLICE & FIREFIGHTERS' PENSION BOARD REGULAR MEETING**

Pursuant to authority of Ordinance C-00-34, Article II, this regular meeting of the Police & Firefighters' Pension Board convened at 12:35 P.M., **Wednesday, October 1, 2008** in the Pension Board Conference Room, 888 S. Andrews Avenue, Suite 202, Ft. Lauderdale, Florida 33316.

PRESENT:

- Michael Dew, Chairman
- Mark Burnam, Vice Chairman
- Romney Rogers, Secretary
- John San Angelo, Trustee
- Dennis Hole, Trustee
- Ken Rudominer, Trustee
- Richard Fortunato, Trustee
- Steve Cypen, Board Attorney
- Lynn Wenguer, Administrator
- Rachel Maldonado, Assistant Pension Administrator
- Laurie DeZayas, Pension Secretary

ALSO PRESENT:

- Harry Wood, Retirees' Assoc.
- Fuzzy Larkin, Retirees' Assoc.
- Bill Paton, Retirees' Assoc.
- Jack Chew, Retirees' Assoc.
- Linda Soloman-Duffey, Retirees' Assoc.
- Gregg Gurdak, President of Retirees' Assoc.
- Rick Schulze, Retirees' Assoc.
- Robert Cammarota
- Jeff Justinak, Assistant Chief FD

ASSET VALUE as of September 30, 2008: **\$424,487,870**

Chairman Dew called the meeting to order at 12:35 p.m.

MINUTES: Regular Meeting, September 3, 2008. Mr. San Angelo made a motion to waive the reading of and approve the minutes, with Mr. Hole seconding the motion. With no discussion, the Board approved the motion **UNANIMOUSLY**.

BENEFITS REVIEW:

POLICE DEPARTMENT	BENEFIT TYPE	RETIREMENT DATE	TERMINATION DATE	FORM OF BENEFIT
Estelle Abrams	Term of DROP	October 13, 2003	October 12, 2008	100% J&S
David L. Lewis	Term of DROP	March 20, 2004	October 8, 2008	100% J&S
Johnnie L. Walker	Retirement	October 11, 2008	October 11, 2008	Life Annuity
Steven S. Wolf	Vested	October 1, 2008	January 14, 1993	Standard
Edward J. King	Death	March 17, 1980	DOD-9/7/08	No further benefits
James Jean-Baptiste	Refund		August 22, 2008	Lump-Sum Refund
Sharif Masri	Refund		October 9, 2008	Lump-Sum Refund

FIRE DEPARTMENT	BENEFIT TYPE	RETIREMENT DATE	TERMINATION DATE	FORM OF BENEFIT
William K. Earle	Term of DROP	April 24, 2006	October 3, 2008	100% J&S
Karl W. Wright	DROP	Sept. 6, 2013	Sept. 7, 2008	Standard

Mr. Rogers made a motion to waive the reading of and approve the benefits. Mr. Rudominer seconded the motion. Mr. Rudominer clarified that those receiving benefits have already viewed and agreed to the amounts. The Board approved the motion **UNANIMOUSLY**.

BILLS: Asset Consulting Group submitted a bill for professional services rendered through the period ending 9/30/08 in the amount of \$10,625.00.

Standish Mellon submitted a bill for professional services through the period ending 3/31/08 in the amount of \$10,390.83.

Standish Mellon submitted a bill for professional services through the period ending 6/30/08 in the amount of \$10,184.06.

Ellen Schaeffer submitted a bill for consulting and programming service on 9/12/08 in the amount of \$105.00.

Mr. San Angelo made a motion to waive the reading of and approve the bills. Mr. Rogers seconded the motion.

Based on a letter submitted by Randall Stanley, Chairman Dew asked if the Board was in agreement to pay the balance due to Stanley Holcombe; that amount being \$14,266.00. Mr. San Angelo made a motion to add this bill to the agenda. Mr. Fortunato seconded the motion, which was approved **UNANIMOUSLY** by the Board.

A discussion ensued concerning the length of time it takes for the bills to get to the Board for approval. Mr. Rogers suggested that the Administrator place her initials on the bills she reviews, instead of just a check mark. There was also a question as to what the charge to Ellen Schaeffer consisted of; the Administrator cleared up any confusion in that respect.

With no further discussions, the original motion (to waive the reading of and approve the bills) was approved **UNANIMOUSLY** by the Board.

INPUT FROM ACTIVE & RETIRED POLICE OFFICERS AND FIREFIGHTERS:

Retirees' Association President Gregg Gurdak asked about the status of the COLA Sunset. Chairman Dew confirmed that he had just left a meeting with the City Manager, who is concerned that this could be a "contractual issue." Chairman Dew will continue to research with the help of the Board's attorney and return to the City Manager. He is comfortable that there is an open dialogue between them about the COLA Sunset.

Mr. Gurdak also asked about the "Everybody But Me List". The Administrator stated that she submitted the list to Ms. Stafford, who made the request. But she stated that the list she put together was preliminary and there may have been some overlap between those on the list and some who already received Me Too awards. Chairman Dew indicated that Jack Lokeinsky also received a copy and that he might be able to help determine, based on his knowledge of the labor agreement, who should rightfully fall into the "Everybody But Me List".

Mr. Gurdak lastly inquired about the Me Too II calculations and whether or not education incentives, for those who receive it, are being factored in. Ms. Wenguer said that it is not because that is a benefit paid straight from the plan and will be recalculated when the actuary submits the final numbers. The Administrator brought up that she received a preliminary status report before the meeting that morning with minor questions from Stanley

Holcombe. According to the correspondence from the actuary, if they received an answer to the questions by the end of the week of 10/6, then the work will continue to progress. However, the letter received 10/1 did not as yet detail the anticipated questions, just that they would be submitted to Ms. Wenguer soon thereafter.

Mr. Gurdak reminded the Board and other attendees that the Retiree Association is hosting a barbecue on 10/5/08 at the hall from 1:00 p.m. to 4:00 p.m. The cost will be \$5 at the door for a number of family-friendly activities.

ADMINISTRATOR'S REPORT:

Minutes Recording: After a meeting at the City Clerk's office, the Administrator discussed the possibility of the minutes being recorded by a third party. The city employs a contractor to record the minutes. Currently, the Assistant Administrator is responsible for putting the minutes together after each meeting. The rate is \$110 per hour to record the meeting, produce the minutes, copy onto a CD, and allow one change before final production. Mr. San Angelo made a motion to hire the company, Prototype, to come in and do the November minutes for a one-month trial. Mr. Rogers seconded the motion and it was passed **UNANIMOUSLY**.

It was decided that Ms. Maldonado would book hours for the preparation of the minutes for both the October and November meetings. She will also take minutes at the November meeting alongside Prototype so that the Trustees can decide which format is preferred.

Retirement Planning Seminar: The Administrator reported on the success of the seminar in September. There was a turnout beyond what was expected. Also, based on feedback surveys, the participants were enthusiastic about the quality of the information and the presentations of the speakers.

The Board asked that there be a debriefing at the November meeting concerning the successes and opportunities of the seminar. The next seminar may take place in May 2009.

Board Investment Workshop: Ms. Wenguer confirmed that the workshop would be held at the Hyatt Conference Center at Pier 66. The dates remain the same: November 6 and November 7. The time that the workshop will begin is that Thursday at 1 pm. The second day will end at noon. Jason Pulos is finalizing the order of the speakers. Mr. Burnam shared his input as to the format of the speakers and what kind of questions each should address.

Chairman Dew asked that the invitations be ready and sent out by Wednesday, Oct. 8.

Money Manager Request: Ms. Wenguer presented a letter to the Board that was sent to her by Agincourt. Agincourt held Lehman bonds and was requesting that the Board decide how they want to proceed in this case. Agincourt, as well as the asset consultant Mr. Pulos, suggested that the bonds not be sold yet.

Mr. Rogers made a motion to agree to the procedure as outlined in Agincourt's letter – to hold the Lehman bonds. Mr. Burnam seconded the motion. The Board then approved the motion **UNANIMOUSLY**.

Administrator's Evaluation: The Chairman reported that he has a meeting scheduled with Personnel Specialist, Lorraine Docherty, on 10/2 to ensure that the draft review has essential elements.

Office Lease: Thomas Coon Holdings, Inc. submitted a letter to the office summarizing terms for the renewal of the lease. Mr. Hole made a motion to approve the lease as outlined in the Sept. 24 letter. Mr. Rudominer seconded the motion. There was a discussion about ensuring that the agreement on the kitchen work needs to be included. Noting the amendments, the Board then approved the motion **UNANIMOUSLY**.

Customer Service Survey: The Administrator reported on the overwhelming response of the survey among retirees and active members alike. The responses have not yet been tallied and summarized. Ms. Maldonado reported that she expected to have the results mailed out to the Trustees by October 31, 2008 so that they can be discussed at the November meeting.

INFORMAL SERVICE-INCURRED DISABILITY HEARING – Robert J. Cammarota, Firefighter.
Claimed Disability: Back Injury. Date of injury: July 20, 2006. Date of hire: August 2, 1999. Estimated monthly

disability pension: \$3,097.48. Current Status: Terminated.

Mr. Cypen addressed the Board and explained the purpose and scope of an informal disability hearing. The purpose of informal hearings of this nature is to expedite the distribution of benefits to those applicants who are considered “slam dunk” cases – those that clearly meet the three criteria of permanent, total, and service-connected disability.

If the three criteria were clearly met, then a motion to grant the disability application would be in order. If there is clarification needed for any area, then a motion to table should follow. If any criteria are not met, then the Board should vote to deny the application. The applicant would then have the right to return to or notice the Board within 30 days. At which point, a formal hearing would be scheduled that would include attorneys, witnesses, etc. What makes this hearing informal is that the only items that will be considered are the medical documents submitted and any statements Mr. Cammarota may wish to make.

Mr. Cypen advised that if one of the criteria is not met, than the motion should reflect that all three are not met. In that way, all three criteria will be open for review should a formal hearing result.

Mr. Cammarota brought a letter from a Dr. Robert Brodner dated 9/30/08, and requested that it be added to the packet for the Board’s review. Dr. Brodner performed surgery on Mr. Cammarota when he was injured and was identified by Mr. Cammarota as the Workers’ Compensation doctor. Mr. Cammarota objected to Dr. Lupu’s review because he felt that the doctor held no specialty in the area of the injury in question. Also, he felt Dr. Lupu’s opinion was biased. Finally, he felt that Dr. Lupu’s findings were incorrect, and that Dr. Brodner agreed that Dr. Lupu’s findings were not consistent with Mr. Cammarota’s condition.

Mr. Rogers made a motion to read the letter. Mr. Rudominer seconded the motion. The Board approved the motion **UNANIMOUSLY**.

After reading the letter, Mr. Rogers moved to add it to the packet for consideration that day. Mr. San Angelo seconded the motion. The motion passed with Mr. San Angelo, Mr. Rogers, Mr. Burnam, and Mr. Fortunato in favor of, and Mr. Hole, Mr. Rudominer, and Mr. Dew against it.

Mr. Cammarota made statements about his life since the incident in 2006. He discussed many of the issues he had with Workers’ Compensation. He claimed that they delayed giving him the proper care, which, in his opinion, made his injuries permanent and prevented him from returning to work. He felt that he would probably not be before the Board requesting disability had Workers’ Compensation treated him correctly.

Mr. Hole questioned Mr. Cammarota about his application, which stated that his disability was the “dropped foot syndrome.” Mr. Cammarota told the Board that the dropped foot syndrome was not the disability, since with the wearing of the foot brace he can walk just fine. Mr. Cammarota indicated that his disability stems from the chronic back pain he suffers as a result of the injury. Mr. Cammarota stated that the left foot drop was on his application because, at the time, that was the verbiage his attorney used.

Mr. Burnam asked about a video described by a doctor in the packet that showed Mr. Cammarota windsurfing. Mr. Cammarota denied that the video existed because he has never been windsurfing and does not know how.

There was a discussion about a previous injury Mr. Cammarota received when he worked at Riviera Beach. When questioned why he did not indicate on his City of Fort Lauderdale employment application that he had suffered a back injury while employed with Riviera Beach, Mr. Cammarota said that he could barely remember that incident. He attributed it to the fact that it must have been minor back pain that did not remove him from his duties, unlike the current injury being reviewed.

Mr. Hole pointed out that Mr. Cammarota indicated on his City of Fort Lauderdale employment application that he had never received Workers’ Compensation or had never been treated for an injury on the job. Mr. Hole insisted that the injury sustained at Riviera Beach would make that response false. Mr. Cammarota admitted that, based on his discussion with the Board, the answer to that question was incorrect.

Assistant Fire Chief Jeff Justinak was sworn in to give testimony about the circumstances surrounding Mr. Cammarota being terminated. Chief Justinak confirmed that he was familiar with the situation concerning Mr.

Cammarota and that his employment was indeed terminated on July 21, 2008, in accordance with the letter written by Fire Chief James Eddy. Chief Justinak testified that Mr. Cammarota was let go consistent with the collective bargaining agreement that states all employees who have not worked for the City for a period of two years are automatically terminated, regardless of the situation. Chief Justinak could not comment if Mr. Cammarota was physically capable to perform the duties of a firefighter. He did say that Mr. Cammarota was not given an opportunity to come back in any capacity with the Fire Department although other positions may have been available.

After various discussions, presentations, and questions, Mr. Hole made a motion to deny the disability on the basis that the criteria of total, permanent, and service-incurred disability were not met. Mr. Fortunato seconded that motion. Mr. Rogers added that his main concern was that, in line with some of the doctor's reports, the condition seemed to be pre-existing. The motion was passed with all of the Board in agreement, except for Mr. Rudominer who opposed the motion.

The Administrator informed Mr. Cammarota that he had 30 days to appeal the decision and have a formal hearing. Written notice will follow. He was also advised that he could amend his application and request a Non-Service Connected Disability.

OLD BUSINESS: Trustee Notebooks: Chairman Dew noted that the Assistant Administrator updated the calendars and added them to the binders. The trustees were advised to keep the notebooks with them instead of at the Pension Office.

Web hosting: Ms. Wenguer reiterated that the Web hosting would now be charged at an hourly rate.

Custodian: The Administrator is still working on getting a list of the claims filed.

Budget: The Administrator is still working on revising the budget.

NEW BUSINESS: Auditor Contract: Ms. Wenguer reported that the engagement letter from the new auditor had just been received the week of the October Board meeting, and she had yet to sign it.

SPD: Mr. Hole confirmed that the SPDs would be reprinted in January after the elections.

There being no further business brought before the Board, Mr. Rogers made a motion to adjourn the meeting at 3:20 P.M. Mr. San Angelo seconded the motion. The Board approved the motion UNANIMOUSLY.

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