

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of March 24, 2016**

MINUTES

On March 24, 2016, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:03 a.m. in the Board's Conference Room.

Present: Paula Weiss
William Rubin
Brian Abernathy
Brian Albert
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
James Leonard

Also Attending: Francis Bielli - Board of Pensions
Jo Rosenberger Altman – Law Department
Adam Coleman – Law Department
Brad Woolworth – Investment Unit
Christopher DiFusco, Dan Falkowski – Investment Unit
Kristyn Bair, Aubrey Hassan – Investment Unit
Pam McCue – Financial Investment News
Mark Johnson – Cliffwater
Will Greene – Loop Capital
Pam McCue – Financial Investment News
Eric Stevenson – Nationwide
Leslie Pappas – Bloomberg BNA

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of February 25, 2016.

Brian Albert made a motion to approve the Minutes of February 25, 2016. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF 159 PENSION APPLICATIONS AND 85 WITHDRAWAL APPLICATIONS

Brian Albert made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Ernest P. Foley, Application for Service-Connected Disability Benefits Plan "A"

This is an application submitted by Ernest P. Foley, former firefighter, for Service-Connected Disability benefits under Pension Plan "A".

According to Mr. Foley, on December 12, 2012 he was bringing up a ladder onto the roof of a house fire when he felt a pain in his right arm.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Eunice Allen, Application for Service-Connected Disability Benefits Plan "B"

This is an application submitted by Eunice Allen, former police officer, for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Allen, on April 25, 2011 while handcuffing a resisting suspect the suspect was pushed and pulled toward her and she fell, landing on her hand and wrist. During the altercation her knee made contact with the ground.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Mia J. Bangura, Application for Service-Connected Disability Benefits Plan "B"

This is an application submitted by Mia Bangura, former police officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Bangura, on November 20, 2008 while lifting a handicapped individual who had fallen from his wheelchair she sustained an injury to her back and leg. Ms. Bangura reports that her back and leg were also injured while in pursuit of a male suspect; no injury date provided.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Angela Brown, Application for Service-Connected Disability Benefits Plan "B"

This is an application submitted by Angela Brown, former police officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Brown on December 3, 2010 while responding to an assist officer call at or near Godfrey & Ogontz Avenues she was involved in a motor vehicle accident. Ms. Brown suffered multiple injuries and underwent surgery.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Carmen Inverso, Application for Service-Connected Disability Benefits Plan "B"

This is an application submitted by Carmen Inverso, former police officer, for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Inverso, on December 8, 2011 he was participating in a motorcycle training exercise when he was stuck from behind by another officer. The impact caused his motorcycle to land on his ankle and leg causing injury.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of William McCrane, Application for Service-Connected Disability Benefits Plan "B"

This is an application submitted by William McCrane, former police officer, for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. McCrane, on March 20, 2012 he was involved in a motor vehicle accident that caused the vehicle to flip over and strike a telephone pole. He suffered multiple injuries.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Kathleen M. Reikow, Application for Service-Connected Disability Benefits Plan “B”

This is an application submitted by Kathleen Reikow, former police detective for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Reikow, on August 9, 2013 while sitting in her police vehicle, she was assaulted by a suspect with a concrete object. She reports that the physical altercation lasted at least fifteen (15) minutes causing injuries to her back and leg.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Anthony J. Ricci, Application for Service-Connected Disability Benefits Plan “B”

This is an application submitted by Anthony J. Ricci, former police officer, for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Ricci, on March 10, 2011 he observed an unknown male with a gun; he attempted to stop the suspect in order to investigate however the suspect fled. While in pursuit, he states that after jumping a fence he required surgery.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Shawn A. Smith, Application for Service-Connected Disability Benefits Plan “B”

This is an application submitted by Shawn Smith, former police officer, for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Smith, on August 11, 2012 while in foot pursuit of a male suspected of domestic assault against his girlfriend he was struck by a vehicle causing injuries to his knee and ankle. He further states the pursuit continued until he fell down the subway stairs and the suspect got away.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of David I. Gadsden, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by David Gadsden, former laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Gadsden, on November 8, 2010 he was riding on the back of a speeding trash truck when it struck a bump, he went up in the air and came down landing on his knee.

Brian Albert made a motion to deny. Brian Abernathy seconded the motion.

The motion to deny carried 4-1-3.

Case of David Horton, Application for Service-Connected Disability Benefits Plan “Y”

This is an application submitted by David Horton, former laborer with the Streets Department, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Horton, on July 6, 2013 while picking up a trash bag full of bricks he injured his neck and shoulder.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Robert J. Walls Jr., Application for Service-Connected Disability Benefits Plan “B”

This is an application submitted by Robert Walls, former police officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Walls, on February 24, 2012 while on routine patrol he was involved in a motor vehicle accident. He states that the patrol car was struck broadside and he suffered multiple injuries.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

OLD BUSINESS

Case of Charles Allen, Deceased, Application for Survivorship Benefits as Common Law Spouse – Plan J

This case was denied at the Board meeting held on October 22, 2015. A hearing panel was held on Wednesday, January 20, 2016.

The hearing panel recommendations are as follows:

- Paula Weiss, Esq.: Deny-Applicant does not meet requirement of married two (2) years prior to retirement; was married to someone else for part of the two (2) year pre-retirement period
- Brian Albert: Denial-Mr. Allen should have chosen an option for which he qualified
- David Magaldi: Deny-Ms. Allen was still married to her first husband in August 1972, less that two (2) years from Mr. Allen's retirement on December 19, 1974

The history of the case is as follows:

This is an application by Rhodella Allen as the common law widow of Charles Allen for survivorship benefits in Plan J.

Charles Allen, a former Incinerator Plant Foreman II, retired effective December 20, 1974. At the time of his retirement, he selected survivorship option 4. There is no pension beneficiary form in his file. However, he named Rhodella Allen relationship wife on a life insurance beneficiary form dated December 19, 1974. Mr. and Mrs. Allen have a marriage certificate dated September 8, 1973.

In a notarized affidavit dated September 21, 2015 signed by Mrs. Allen, she stated that Mr. Allen and she met in 1960, began to live together in 1961 and that their son was born in 1962. Mrs. Allen was advised to supply documentation supporting the existence of a common-law marriage two years prior to December 20, 1974. She delivered the documents to the Board of Pensions on September 22, 2015 stating this is all she has from that time period.

The Board reviewed the documents submitted by Mrs. Allen.

Brian Albert made a motion to deny. Carol Stukes-Baylor seconded the motion.

The motion to deny carried unanimously 8-0.

PENSION DISQUALIFICATION

Case of Jeffrey Walker – Pension Disqualification, Plan “B”

Jeffrey Walker was hired on June 26, 1989 as an officer in the City of Philadelphia Police Department. He was terminated on May 21, 2013 after vesting with 23 years, 10 months, 26 days of credited service. He withdrew his contributions in the amount of \$55,403.13 on August 29, 2013.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Walker from pension eligibility and provided documentation concerning Mr. Walker’s guilty pleas to one count of interference with interstate commerce by threats or violence and one count of carrying a firearm during and in relation to a crime of violence.

As set forth in the indictment, Mr. Walker, while on active duty as a police officer in the Narcotics Unit, unlawfully obtained personal property, including approximately \$15,000 cash and approximately five pounds of marijuana from Person #1 against his will. Mr. Walker used his service revolver, handcuffs, uniform and police vehicle to commit the offense.

On March 15, 2016, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Walker’s crimes triggered the disqualification provisions of the Philadelphia Retirement Code. Ms. Berkowitz advises the Board must vote on the following:

- Whether Mr. Walker should be permanently disqualified from pension eligibility

The Opinion from Ellen Berkowitz, Deputy City Solicitor, the Indictment and the Judgment were attached for the Board’s review.

Brian Albert made a motion to approve the permanent disqualification of pension eligibility for Mr. Walker. Brian Abernathy seconded the motion.

The motion to approve the permanent disqualification of pension eligibility for Jeffrey Walker carried unanimously 8-0.

Case of Sharon Hammitt – Pension Disqualification, Plan “J”

Sharon Hammitt was hired on February 8, 1988 as a Clerk Typist 1 in the Police Department. She was terminated on December 12, 2014 after vesting with 25 years, 16 days of credited service.

Inspector General Amy Kurland requested that the Board consider disqualifying Ms. Hammitt from receiving a pension benefit and provided documentation concerning Mr. Hammitt’s guilty pleas for forgery and conspiracy.

Ms. Hammitt, while working in the Police Department impound lot, conspired with her husband to re-register ATVs in her husband's name. She documented in one case that an ATV has been towed to the Philadelphia Parking Authority for auction, and in another to Camden Iron and Metal, as salvage. In neither case were the vehicles actually towed to those locations. Ms. Hammitt forged a notary's signature on fake documents to re-register the vehicles in her husband's name.

On March 16, 2016, Ellen Berkowitz, Deputy City Solicitor, opined that Ms. Hammitt's crimes triggered the disqualification provisions of the State Forfeiture Act and the Philadelphia Retirement Code.

Ms. Berkowitz advises the Board must vote on the following:

- Whether Ms. Hammitt should be permanently disqualified from receiving a pension
- Whether the Board should withhold \$949.00 of Ms. Hammitt's contributions to pay the balance of her court costs.

The Opinion from Ellen Berkowitz, Deputy City Solicitor, the Judgment, Plea Agreement and Affidavit of Probable Cause were attached for the Board's review.

William Rubin made a motion to permanently disqualify Ms. Hammitt from pension eligibility and withhold \$949.00 of pension contributions to pay the balance of court costs. Brian Albert seconded the motion.

The motion to permanently disqualify Sharon Hammitt from pension eligibility and withhold \$949.00 pension contributions to pay the balance of court costs carried unanimously 8-0.

NEW BUSINESS

Executive Director's Report - Mr. Bielli stated that Cheiron will be sending the final Actuarial Report next week along with the ACT 205 State filings.

This is Jim Leonard's last meeting as he been appointed the new Records Commissioner beginning April 11, 2016. Mr. Bielli and the Board congratulated him and thanked him for his years of service as attorney for the Board of Pensions.

FYI

- a. Litigation Summary -- Ms. Rosenberger-Altman stated that there are two Service-Connected Disabilities and one Pension Disqualification case currently in Common Pleas Court.

Ronald Stagliano made a motion to adjourn. Brian Albert seconded the motion.

The meeting adjourned at 9:10 AM.