

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of July 28, 2011**

**MINUTES**

On July 28, 2011 Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:02 a.m. in the Board's Conference Room.

Present: Paula Weiss  
Harvey Rice  
Brian Albert  
Celia O'Leary  
Carol Stukes  
Ronald Stagliano  
John Reilly  
Veronica Pankey  
Hilary Cornell

Also Attending: Francis Bielli, Mark Murphy, Shamika Taliaferro – Board of Pensions  
Christopher DiFusco, Joshua Stein – Law Department  
Andrew Thomas – Fire Department  
Leslie Brown - Office of Human Resources  
Chester Skaziak – Retiree  
Meredith Genova – Director of Marketing, Stux Capital  
Michael Hinkelman - Philadelphia Daily News  
Catherine Lucey – Philadelphia Daily News  
Linda White – Philadelphia Resident  
Will Greene – Loop Capital

Paula Weiss stated that the first order of business was the consideration of the Minutes of June 23, 2011.

John Reilly made a motion to approve the Minutes of June 23, 2011. Ronald Stagliano seconded the motion.

**The motion to approve the Minutes of June 23, 2011 carried unanimously 8-0.**

**CONSIDERATION OF (99) PENSION APPLICATIONS AND (108) WITHDRAWAL APPLICATIONS**

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

**The motion to approve carried unanimously 8-0.**

## **APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS**

### **Case of John P. Kelly, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by John P. Kelly, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Kelly sustained an injury to his knee while working when he responded to a radio call of juveniles in the woods. His date of injury is September 7, 2009.

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 8-0.**

### **Case of Dennis Ondrejka, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Dennis Ondrejka, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Ondrejka sustained a concussion and neck injury when an intoxicated man attacked him while controlling a crowd at a parade. His date of injury is September 30, 2007.

Ms. Cornell stated that Dr. Guagliardo seemed to be applying the wrong standard and Drs. McCoy and Korevaar indicated this injury was not due solely. Dr. Cohen, who did believe the injury was due solely, did not review diagnostic studies nor did he review Dr. Mandels’ records. She believed as a Board they should look at the entire report and not just one sentence.

Mr. Bielli agreed that the report should be considered as a whole but disagreed with Ms. Cornell and stated that Dr. Guagliardo did apply the due solely standard correctly in his report.

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve tied 4-4. The Chair voted to deny making the vote 4-5. Motion fails and is denied.**

### **Case of Alan Remsing, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Alan Remsing, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Remsing sustained injuries to his knees while assisting children across the street, due to a broken street light, and he was hit by moving vehicle. His date of injury is December 6, 2007.

Ronald Stagliano made a motion to approve. Carol Stukes seconded the motion.

**The motion to approve carried unanimously 8-0.**

**Case of Edward O'Neill, Application for Service-Connected Disability Benefits – Plan "D"**

This is an application by Edward O'Neill, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan "D".

Mr. O'Neill sustained a knee injury while working when he was exiting his police vehicle and twisted his right knee. The date of his injury is March 30, 2000.

Ronald Stagliano made a motion to deny. John Reilly seconded the motion.

**The motion to deny carried 5-3.**

**Case of Tammy Woods, Application for Service-Connected Disability Benefits – Plan "D"**

This is an application by Tammy Woods, former Police Sergeant, Police Department, for Service-Connected Disability Benefits in Plan "D".

Ms. Woods sustained an injury on November 15, 2008 when she stepped in a water filled hole and subsequently fell to the ground. She twisted her entire right side of her body.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

**The motion to deny carried 7-1.**

**Case of Betty L. Baylor, Application for Service-Connected Disability Benefits – Plan "J"**

This is an application by Betty L. Baylor, former Correctional Officer, Prisons Department, for Service-Connected Disability Benefits in Plan "J".

Ms. Baylor sustained injuries to her neck and shoulder when she slipped on a patch of ice, as she was reporting for duty. Her date of injury is February 21, 2010.

Hilary Cornell made a motion to deny. Brian Albert seconded the motion.

**The motion to deny carried 4-0-4.**

**Case of Margaret Kaufmann, Application for Service-Connected Disability Benefits – Plan J**

This is an application by Margaret Kaufmann, former Voice Writer, First Judicial District, for Service-Connected Disability Benefits in Plan "J".

Margaret Kaufmann sustained the injury through repetitive motion of job duties and she lost the use of her right arm and hand. Her date of injury is October 16, 2003.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

**The motion to deny carried unanimously 8-0.**

**Case of Yvette Lewis, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Yvette Lewis, former Deputy Sheriff, Sheriff’s Office, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Lewis sustained an injury to her knee while working, participating in training when an instructor fell into her left knee. Her date of injury is November 1, 2008.

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

**The motion to approve carried unanimously 8-0.**

**Case of Robert Lucas, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Robert Lucas, former Electronic Technician II, Water Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Lucas sustained the injury due to the stresses of performing his duties. The nature of Mr. Lucas’ disability is limited mobility. His date of injury is September 14, 2010.

Carol Stukes made a motion to approve. John Reilly seconded the motion.

**The motion to approve carried 5-3.**

**APPLICATION FOR ORDINARY DISABILITY BENEFITS BEYOND THE ONE YEAR DEADLINE**

**Case of Denise Henderson, Application for Ordinary Disability Benefits beyond the One Year Deadline - Plan “Y”**

This is an application by Denise Henderson, Office of Housing and Community Development, for Ordinary Disability Benefits beyond the one-year deadline, in Plan “Y”.

Ms. Henderson separated from the City of Philadelphia effective June 2, 2009. In a letter dated May 22, 2011 she requested to apply for Ordinary Disability benefits. A certified letter was sent to her from the Board of Pensions denying her request on June 9, 2011 in accordance with 22§402 (2) (d). She appealed that decision in a letter dated June 21, 2011.

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

**The motion to approve carried 5-3.**

## **PENSION DISQUALIFICATION**

### **Case of Wilfredo Cintron - Pension Disqualification and Termination of Benefits, Plan "Y"**

Wilfredo Cintron was hired with the City of Philadelphia on July 18, 2005. After attaining 4 years, 4 months and 28 days of credited service, Mr. Cintron retired effective January 16, 2010. He is not collecting a pension benefit at this time.

On June 29, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Wilfredo Cintron on 10 counts involving the HOBBS Act including Corrupt Organizations, Theft by Unlawful Taking, Receiving Stolen Property, Criminal Conspiracy and Perjury.

Mr. Cintron worked as a City employee with the Department of Licenses and Inspections where he unlawfully stole property from the properties of City residents to whom the CLIP had been dispatched to assist in quality-of-life issues. During the course of investigating and prosecuting those involved for these crimes, Mr. Cintron committed perjury in relation to the commission of the criminal acts. For these crimes, Mr. Cintron pleaded guilty to various counts of Theft by Unlawful Taking, Conspiracy, and Perjury, as well as other counts, as outlined in the agreement to plead guilty, attached to this memorandum.

On July 14, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Cintron triggers the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crimes of theft, obstructing administration of law and misapplication of entrusted government property, Mr. Cintron is disqualified from pension eligibility.

Mr. Stein further advises the Board should first vote on 2 matters: (1) whether to suspend Mr. Cintron's benefit in light of the information received regarding the guilty plea; and (2) whether Mr. Cintron is subject to the permanent disqualification and termination of his retirement benefits.

Ronald Stagliano made a motion to permanently disqualify and terminate pension benefits. John Reilly seconded the motion.

**The motion for permanent pension disqualification carried unanimously 8-0.**

Harvey Rice made a motion to suspend pension benefits. Brian Albert seconded the motion.

**The motion to suspend pension benefits carried unanimously 8-0.**

Harvey Rice made a motion to retain pension contributions for court ordered restitution. Celia O'Leary seconded the motion.

**The motion to retain pension contributions for court ordered restitution carried unanimously 8-0.**

**OLD BUSINESS****Case of Bruce Watkins, Deceased, Application for Survivorship Benefits – Plan J**

This case was **tabled** at the June 23, 2011 Board Meeting for further medical information. A letter was received from Dr. Michael L. Levin dated June 29, 2011 which is attached.

The history of the case is as follows:

This is an application by Alan Watkins as the adult dependent son of Bruce Watkins, for survivorship benefits in Plan J.

Bruce Watkins retired effective September 21, 1987. At the time of his retirement, he selected survivorship option 4. Mr. Watkins died on March 27, 2002. His death certificate states that he was divorced. In a notarized affidavit dated May 23, 2011, Alan Watkins states that he is the only dependent of Bruce Watkins and that to the best of his knowledge his father had no minor children at the time of his death. He also states that he has had diabetes since high school.

In a diagnosis Mr. Watkins's physician stated that Alan's renal failure is directly related to his uncontrolled juvenile diabetes which was diagnosed when he was seventeen.

Brian Albert made a motion to approve. Celia O'Leary seconded the motion.

**The motion to approve carried unanimously 8-0.**

**Case of Crystal Wilkerson, Application for Service-Connected Disability Benefits – Plan "B"**

Ms. Wilkerson has chosen to proceed with her case via using the SAMMONS issue.

This case was **denied** at the November 22, 2010 Board Meeting. A Hearing Panel was held on June 15, 2011.

The history of the case is as follows:

This is an application by Crystal Wilkerson, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan "B".

Ms. Wilkerson sustained the injury while trying to restrain a male prisoner that was attempting to escape. As Ms. Wilkerson was trying to protect herself from a chair that the male prisoner had thrown at her, she fell down on her right knee and left wrist. Her date of injury is April 26, 2006.

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

**The motion to approve carried unanimously 8-0.**

## **NEW BUSINESS**

- **Executive Director's Report**

- a. Travel Report – The travel report for the 2<sup>nd</sup> quarter was handed out.
- b. ERP - Mr. Bielli stated that the ERP (Enterprise Resource Planning) is the technology system that various departments in the City have been meeting about with the Department of Technology (DOT). There have also been conference calls with other jurisdictions about the ERP Program. They are hoping to make a decision soon what type of system to use to incorporate the Departments of Human Resources, Finance, Procurement and Pensions. It would be a big advantage to the Pension Board to be able to access all of this information to integrate the system and make the processes more efficient. It will also help the coordination between Risk Management, the Board of Pensions and the Law Department.

### **FYI**

- a. Litigation Summary – Mr. DiFusco stated that Ms. Grab filed an order in May to discontinue her case with prejudice, and the Rippy-Long case was dismissed in June.

Ms. Weiss stated there was no longer a need for an executive session.

John Reilly made a motion to adjourn. Harvey Rice seconded the motion.

The meeting adjourned at 9:15.