

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of April 25, 2019**

MINUTES

On April 25, 2019, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:30 AM in the Board's Conference Room.

Present: Jacqueline Dunn
 Kellan White
 Christopher Rupe
 Marsha Greene-Jones
 Carol Stukes-Baylor
 Ronald Stagliano
 Brian Coughlin
 Veronica Pankey
 Sharolyn Murphy

Also Attending: Francis Bielli - Board of Pensions
 Shamika Taliaferro – Board of Pensions
 Bill Rubin – Board of Pensions
 Rebecca Rhynhart – Controllers office
 Marcel Pratt, Francois Dutchie – Law Dept.
 Ellen Berkowitz, Adam Coleman – Law Dept.
 Christopher DiFusco, Bernard Buckley – Investment Unit
 Jim Cousounis, Tyrone Jordan – Investment Unit
 Abdel-Aziz Ibrahim - Investments
 Brad Nyce – Nationwide
 David Smith – Marquette Assoc.
 Will Greene – Loop Capital
 Arnold B. West – GIA Partners
 Nicholas Furman – Pine Valley Investments/Associate

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of March 21, 2019.

Ronald Stagliano made a motion to approve the Minutes of March 21, 2019. Kellan White seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF (117) PENSION APPLICATIONS AND (356) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of David C. French, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by David French, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. French, on January 27, 2015 he slipped on a snow-covered mirror sustaining multiple injuries.

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

The motion to approve carried 7-1.

Case of Raymond E. Green, Application for Service-Connected Disability Benefits- Plan B

This is an application submitted by Raymond Green, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Green on August 24, 2015 while attempting to place a suspect under arrest he pulled away and began to run away. Mr. Green further states that as he began to pursue the suspect he heard a pop, fell to the ground, immediately felt pain in his right foot, and was unable to move.

Ronald Stagliano made a motion to approve. Sharolyn Murphy seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Annamarie Kohler, Application for Service-Connected Disability Benefits- Plan B

This is an application submitted by Annamarie Kohler, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Kohler on November 3, 2013 while removing a body from a first-floor apartment she felt nauseous and experienced pain in the lower portion of her back. Ms. Kohler further states that the deceased male was very obese.

Ronald Stagliano made a motion to approve. Sharolyn Murphy seconded the motion.

The motion to approve carried unanimously 8-0.

Case of James P. Moran, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by James Moran, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Moran, on April 20, 2016 while on bicycle patrol he felt a pull/pop in his right foot. Mr. Moran states that he stopped, dismounted and attempted to place pressure on the foot and found it difficult due to increasing pain.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion. The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

Case of Jeffery S. Strunk, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Jeffery Strunk, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Strunk on June 17, 2011 he became involved in an altercation with a suspect and he was dragged towards a vehicle. The suspect entered the vehicle and his left hand became entangled, the car took off, dragging Mr. Strunk in the street until he was able to dislodge his hand. His multiple injuries were caused by the altercation and the car dragging.

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

The motion to approve carried unanimously 8-0.

Case of Shawn Woodland, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Shawn Woodland, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Woodland on May 20, 2015 while directing traffic at the International Airport he was struck by the mirror of a vehicle that impacted his right forearm. Mr. Woodland further states that the force of the impact rotated his forearm and right shoulder around 180 degrees.

Ronald Stagliano made a motion to approve. Sharolyn Murphy seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Sandra B. Facenda, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Sandra Facenda former Legal Clerk III with the First Judicial District of PA for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Facenda, on March 2, 2017 her leg or foot caught in the office chair as she was getting up. She further states that her injuries were caused as she stuck the floor.

Ronald Stagliano made a motion to approve. Carol Sutkes-Baylor seconded the motion.

The motion to approve carried 5-3.

Case of Thomas Head, Application for Service-Connected Disability Benefits under Plan Y

This is an application submitted by Thomas Head, former Water Distribution Repair Worker with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Head on October 16, 2016 while stepping off a curb he slipped on a pile of matted leaves, snapping his left ankle.

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

The motion to approve carried unanimously 8-0.

Case of Kevin Wisinski, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Kevin Wisinski former Correctional Officer with the Department of Corrections for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Wisinski, on January 9, 2012 he was lifting a crate with equipment when he injured his left side and shoulder. He further states that he injured his right hand in a fall while defending himself from an inmate attack.

Sharolyn Murphy made a motion to deny. Marsha Greene-Jones seconded the motion. The motion to deny failed 3-5.

Ronald Stagliano made a motion to approve. Kellan White seconded the motion.

The motion to approve carried 5-3.

Case of Gary Averbukh, Deceased, Application for Survivorship Benefits – Plan B

This is an application by Irene Averbukh for survivorship benefits in Plan B.

Gary Averbukh, a Police Officer, retired on April 16, 2013. Mr. Averbukh died on December 8, 2018.

At the time of his retirement, Mr. Averbukh chose survivorship option 4 and named Irene Averbukh as the beneficiary of his pension, relationship – wife. Gary Averbukh and Irene Veytsman divorced on May 27, 2014. Subsequently, at the time of his death, he was married to Jelena Kovtunovich.

Irene Averbukh is applying to have the Board of Pensions recognize her common-law relationship with Mr. Averbukh due to their 25 years of marriage and caring for him throughout his illness even after their 2014 divorce. She was the executrix of his estate.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of Wendy G. Danks, Application for Service-Connected Disability Benefits – Plan B

This case was **tabled** at the March 21, 2019 Board meeting at the request of Vice Chair Ronald Stagliano. This is an application submitted by Wendy Danks, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Danks, on or about February 11, 2014 while responding to a person screaming call with three other officers she slipped on the ice and sustained injuries to her left side, wrist, hip, and hand.

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

The motion to approve carried 5-3.

Case of Lamar Lipford-Birch, Application for Service-Connected Disability Benefits – Plan B

This case was **tabled** at the March 21, 2019 Board meeting at the request of Vice Chair Ronald Stagliano. This is an application submitted by Lamar Lipford-Birch, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Lipford-Birch, on or about December 18, 2014 he jumped from a police wagon in response to an assist officer/bank robbery call and sustained an injury to his right ankle. Mr. Lipford-Birch states that the exiting action caused him to slide and he immediately felt something “pull” in his right ankle.

Sharolyn Murphy made a motion to deny. Marsha Greene-Jones seconded the motion. The motion failed 3-5.

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

The motion to approve carried 5-3.

Case of Anthony Panarello, Application for Service-Connected Disability Benefits – Plan B

This case was **tabled** at the March 21, 2019 Board meeting at the request of Vice Chair Ronald Stagliano. This is an application submitted by Anthony Panarello, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Panarello, on September 3, 2008 while assigned to the SWAT unit he was tasked with bringing in equipment from the raid van. Mr. Panarello states that the “breaching ram” was lodged in its metal encasement; he was forcefully attempting to dislodge it when he sustained an injury to his shoulder and neck area.

Sharolyn Murphy made a motion to deny. Marsha Greene-Jones seconded the motion. The motion failed 3-5.

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

The motion to approve carried 5-3.

Case of Cheryl B. Womack, Application for Service-Connected Disability Benefits - Plan Y

This case was **tabled** at the March 21, 2019 Board meeting at the request of Vice Chair Ronald Stagliano. This is an application submitted by Cheryl Womack, former Custodial Worker with the Commerce Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Womack, on November 6, 2015 while working at Terminal F she slipped on a substance on the floor and fell.

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

The motion to approve carried 5-3.

Case of David Jackson, Application for Service-Connected Disability Benefits – Plan Y

This case was **tabled** at the March 21, 2019 Board meeting at the request of Trustee Carol Stukes-Baylor. This case was **denied** at the Board meeting held on October 26, 2017. A hearing panel was held on November 7, 2018.

The hearing panel recommendations are as follows:

Sharolyn L. Murphy, Esq.: Deny

Brian Coughlin: Approve. The member showed no signs of hip issues prior to work injury

Kellan White: Approve

Case Summary:

This is an **administrative** application submitted on behalf of David Jackson, former laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Jackson, on October 7, 2011 he was struck by a vehicle and the impact forced him to the ground causing his injuries.

Sharolyn Murphy made a motion to deny. Marsha Green-Jones seconded the motion. The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

Case of Michael Coston, Application for Service-Connected Disability Benefits – Plan B

This case was **denied** at the Board meeting held on July 20, 2017. A hearing panel was held on March 20, 2019.

The hearing panel recommendations are as follows:

Brian Coughlin: Approve – Reported injury led to disability

Jacqueline Dunn: Approve

Kellan White: Approve

Case Summary:

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

According to Mr. Coston, on January 6, 1998 he was involved in a motor vehicle accident when he sustained an injury to his right knee and on June 22, 2013 he injured his left knee while exiting his police cruiser.

This is a SAMMONS case and will be based solely on the opinion within the depositions of Dr. Menachem M. Mellor and Dr. Richard J. Berger.

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

The motion to approve carried unanimously 8-0.

Case of James Womack, Application for Service-Connected Disability Benefits – Plan J

This case was **denied** at the Board meeting held on December 6, 2018. A hearing panel was held on Wednesday, March 20, 2019.

The hearing panel recommendations are as follows:

Brian Coughlin: Approve. Employee can't be determined to be partially fit for duty

Jacqueline Dunn: Deny

Kellan White: Approve

Case Summary:

This case was **tabled** at the October 25, 2018 Board meeting at the request of trustee Brian Coughlin for further clarification from Dr. Robert Draper, Jr. Attached below is an addendum submitted by Dr. Draper dated November 16, 2018.

This is an **administrative** application submitted by James Womack former Stockroom Technician with the Philadelphia Parking Authority (PPA) for Service-Connected Disability benefits under Pension Plan "J".

According to Mr. Womack, on June 15, 2011 while lifting a case of copier paper he felt and heard a "pop" in his back, he further reports that the pain radiated down his left leg.

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

The motion to approve carried 5-3.

NEW BUSINESS

Executive Director's Report – Mr. Bielli updated the Board on the following issues.

- The Roth 457 and Percentage based contributions are active and available.
- The Actuary Report was distributed to the Board. Electronic copies are available upon request and it will also be online soon.
- The PAPERS forum is May 29-30, 2019 in Harrisburg, PA. The deadline for the early registration rate is April 29, 2019.
- The Financial Disclosure is due May 1, 2019 for those who have to file.
- There is a report of the Education Conference and Due Diligence reports for the first quarter of 2019

There is a letter in the board's folders that was sent to all Board trustees, City Council members and the Mayor from an individual who received notice from the Department of Revenue concerning a pension offset. This person's issue was forwarded to the Department of Revenue and will be reviewed. If Revenue determines tax is not due, we will notify and can remove that person from the list. Upon receipt of the final list from Revenue, we will give the person an opportunity to resolve the tax before any Revenue action is taken. If they contact us with questions about the validity of the tax, we will refer them to the Revenue Department to resolve any discrepancy. If you are hearing from people please note there are options listed on the Department of Revenue letter the person can take to resolve the issue: online, by phone, by mail or in person. We may be able to assist if they're having difficulty communicating with Revenue.

Ms. Stukes-Baylor questioned who authorized this as there is no signature on the letter. She asked if this was a legal process. She believed only the IRS could attach your income.

Ms. Berkowitz stated that it is in the Pension Ordinance 22-1301. There was an attachment provision and there must be a judgement.

Mr. Bielli said it was done in 2011 by the Revenue Commissioner through the Pension Board based on a legal opinion by the Law Department and it was not for active employees but for retirees.

Ms. Stukes-Baylor asked if it went to the Board for a vote in 2011.

Mr. Bielli stated that this is an action of the City of Philadelphia per the Pension Code. The legal opinion has everything that is required before the offset is taken. This was followed in 2011 per the legal opinion, everything is being done in the same exact manner.

Ms. Stukes-Baylor stated her concern is with the Ordinance. The lady who called her said she only receives a \$500 monthly pension and it's hard for her to pay her taxes and she received an unsigned letter. She thought the letter should be signed by the Revenue Commissioner.

Ms. Berkowitz said the letter was worked on by two attorneys who worked for the Law Department and she can be reached if there are further questions.

- Business and Education Travel Requests

- 1) Mid Atlantic Plan Sponsors (MAPS) Annual Trustee Education Conference
June 5-7, 2019, Baltimore, MD

Veronica Pankey made a motion to approve anyone wishing to attend the MAPS conference. Kellan White seconded the motion.

The motion to approve anyone wishing to attend the MAPS Annual Trustee Education Conference in Baltimore, MD carried unanimously 8-0.

- **Litigation Summary** – Ms. Berkowitz stated there are a number of cases in Common Pleas Court. The Avery matter (appeal of award of SCD) which was in Commonwealth court was reversed and remanded to common pleas court for decision on the merits.

Mr. Stagliano stated that the former sheriff pleaded guilty to a laundry list of crimes. He asked if the Board could disqualify him today without the report from the Inspector's General office. He would like to disqualify him as soon as possible.

The Board discussed the issue. Ms. Berkowitz stated that she does not recommend that, and they have to follow the regular process. She stated that she received the plea agreement from the Inspector General, she must review it and figure out what the appropriate grounds are. Then it will be submitted to the Board.

Ronald Stagliano made a motion to adjourn. Kellan White seconded the motion.

The meeting adjourned at 9:52 AM.