

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of October 27, 2011**

MINUTES

On October 27, 2011 Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:09 a.m. in the Board's Conference Room.

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

Also Attending: Francis Bielli, Mark Murphy, Shamika Taliaferro – Board of Pensions
James Leonard, Christopher DiFusco – Law Department
Joshua Stein, Benjamin Hinerfeld – Law Department
Sumit Handa – Board of Pensions, Investment Unit
Andrew Thomas – Fire Department
Chester Skaziak – Retiree
Michael Hinkelman - Philadelphia Daily News
Chris Filley - Alliance Bernstein
Wayne Pollack
Harvey Kelly

Paula Weiss stated that the first order of business was the consideration of the Minutes of September 27, 2011.

Brian Albert made a motion to approve the Minutes of September 27, 2011. Ronald Stagliano seconded the motion.

The motion to approve the Minutes of September 27, 2011 carried unanimously 8-0.

CONSIDERATION OF (105) PENSION APPLICATIONS AND (95) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 8-0.

APPLICATIONS FOR SERVICE-CONNECTED DISABILITY BENEFITS**Case of Jeanne Austin, Application for Service-Connected Disability Benefits – Plan “B”**

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

Ms. Austin sustained the injury after her fingers were slammed in a cabinet drawer while filing routine paperwork. The nature of Ms. Austin’s disability is a injury to her finger. Her date of injury is December 8, 2008.

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

The motion to approve carried unanimously 8-0.

Case of Nicholas Cimorelli, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Nicholas Cimorelli, Police Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Cimorelli sustained the injury when he was chasing a suspect and jumped over a wall. He injured his left forearm. His date of injury is September 20, 2009.

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

The motion to approve carried unanimously 8-0.

Case of Rosetta Harris, Application for Service-Connected Disability Benefits – Plan “B”

This is an *administrative application* in regards to Rosetta Harris, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Harris sustained the injury while exiting her patrol wagon, and lifting a prisoner into the wagon she twisted and injured her lower back. Her date of injury is December 15, 2006.

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

The motion to deny carried 4-0-4.

Case of Ismael Navarroto, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Ismael Navarroto, former Police Officer, Police Department, for Service-Connected Disability benefits in Plan “B”.

Mr. Navarroto sustained the injury while making an arrest on July 21, 2006. He injured his left wrist and thumb. His date of injury is July 21, 2006.

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

The motion to approve carried unanimously 8-0.

Case of Domenic Mingacci, Application for Service-Connected Disability Benefits – Plan “D”

This is an “*administrative application*” in regards to Domenic Mingacci, former Police Captain, Police Department, for Service-Connected Disability Benefits in Plan “D”.

Mr. Mingacci sustained the injury while he was walking down a ramp and tripped on broken concrete and twisted his ankle. His date of injury is March 8, 2006.

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

The motion to deny carried 8-0.

Case of J. Valancia Jones, Application for Service-Connected Disability Benefits – Plan “J”

This is an “*administrative application*” in regards to J. Valancia Jones, former Legal Services Clerk, District Attorney’s Office, for Service-Connected Disability Benefits in Plan “J”.

Ms. Jones sustained an injury to her lower back and right hip while lifting files. The nature of Ms. Jones’ disability is limited mobility due to lower back and right hip injury. Her date of injury is September 20, 2005.

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

The motion to deny carried 5-3.

Case of Nathaniel Curtis, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Nathaniel Curtis, former Semi Skilled Laborer, Department of Streets, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Curtis sustained the injury while digging a ditch when the outrigger of his truck struck him in the left leg. Another injury occurred when he was struck by a passing truck, which knocked him into the street. The nature of Mr. Curtis’ disability is limited mobility due to injuries to both knees, left foot, left arm, hand, left hip, back, and shoulder nerve damage. His dates of injury are April 23, 2008 and August 5, 2009.

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

The motion to approve carried unanimously 8-0.

Case of Thomas George, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Thomas George, Water Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. George sustained the injury when he was propelled up in the air and fell to the ground after an explosion at the water tower. The nature of Mr. George’s disability is injury to his right knee and leg. His date of injury is November 16, 2009.

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

The motion to approve carried unanimously 8-0.

Case of Raymond Johnson, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Raymond Johnson, former Semi Skilled Laborer, Commerce Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Johnson sustained the injury when his truck was involved in an accident with another vehicle. The nature of Mr. Johnson’s disability is limited mobility due to injury of his back, knees, and neck. His date of injury is August 31, 2008.

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

The motion to deny carried 5-1-2.

REQUEST TO WITHDRAW CONTRIBUTIONS

Case of Joseph A. Veneziale, Request to Withdraw Contributions, Plan "B"

This is a request by retiree Joseph A. Veneziale, to withdraw his pension contributions in order to pay legal fees and court ordered spousal support.

Mr. Veneziale retired October 6, 2009 and selected survivorship option #4 naming his wife as survivor.

In his letter dated August 18, 2011, Mr. Veneziale states his wife was involved in an auto accident and suffered from Post Traumatic Stress which has caused irreconcilable issues in their marriage. Mr. Veneziale further states his son attends private school and he has a mortgage.

On August 22, 2011, Mr. Veneziale's request to withdraw his pension contributions was administratively denied by Shamika Taliaferro, Program Pension Administrator per Section 22-306(4) of the Code which states election of survivorship option is irrevocable.

Mr. Veneziale is appealing the administrative denial of his request.

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

The motion to deny carried 6-0-2.

REQUEST TO TRANSFER PENSION MEMBERSHIP FROM PLAN Y TO PLAN J

Case of Hakim Abdus-Salaam, Request to Transfer Pension Membership from Plan Y to Plan J

Mr. Abdus-Salaam inquired as to why his pension membership was assigned to Plan Y instead of Plan J.

When Mr. Abdus-Salaam was originally hired as an exempt employee effective 7/15/91, his pension membership was assigned to Plan M. He did not receive a withdrawal of pension contributions following his separation effective 9/15/94. When he was rehired as a member of DC 47 Local 2187, effective 9/19/94, his pension membership was returned to Plan M. Following the dissolution of Plan M, effective 1/13/99, his pension membership was transferred to Plan Y since he had not been appointed to a position covered by DC 47 Local 2186, prior to 10/1/92.

On 8/22/11, his request was administratively denied and he was advised of his appeal rights. His appeal was received on 9/22/11.

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

The motion to deny carried unanimously 8-0.

APPLICATION FOR ORDINARY DISABILITY BENEFITS BEYOND THE ONE-YEAR DEADLINE

Case of Marcia Nelson, Application for Ordinary Disability Benefits beyond the one year deadline - Plan "J".

This is an application by Marcia Nelson, former Code Administrator, Licenses & Inspections, for Ordinary Disability Benefits beyond the one-year deadline, in Plan "J".

Ms. Nelson separated from the City of Philadelphia February 4, 2010. She was advised in a letter dated May 27, 2010 that she had one year from the date of her separation to apply for a disability benefit. She requested to apply for Ordinary Disability benefits in a letter sent to the Board of Pensions & Retirement ("Board") on August 29, 2011. A certified letter was sent to her from the Board of Pensions denying her request on September 14, 2011 in accordance with 22§402 (2) (d). She appealed that decision in a hand delivered letter dated October 7, 2011.

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

The motion to approve carried 5-0-3.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS BEYOND THE ONE-YEAR DEADLINE

Case of Julius Woodards, Application for Service-Connected Disability Benefits beyond the one year deadline - Plan "Y".

This is an application by Julius Woodards, Streets Department, for Service-Connected Disability Benefits beyond the one-year deadline in Plan "Y".

Mr. Woodards separated from the City of Philadelphia effective February 11, 2008. He hand delivered a letter to the Board of Pensions dated October 11, 2011 requesting to apply for Service-Connected Disability benefits. He personally picked up the response in accordance with 22§402 (2) (d) regarding his request on October 11, 2011. He appealed the decision on the same day and attached his employee injury report dated February 1, 2008.

Mr. Woodards states that he did not apply for disability benefits as there was a gap between his last paycheck and his Workers' Compensation benefits. He further states that he did not know that he could apply while he was looking for a job with the City of Philadelphia within the limitations of his disability.

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

The motion to deny carried 5-0-3.

PENSION DISQUALIFICATIONS

Case of Henry Turrentine - Pension Disqualification, Plan "J"

Henry Turrentine was hired with the City of Philadelphia on December 28, 1987. After attaining 19 years, 10 months and 26 days of credited service, Mr. Turrentine separated effective January 15, 2010 from the Department of Licenses & Inspections. He is currently receiving a Retirement Pension Benefit at this time.

On October 24, 2011, Inspector General, Amy Kurland wrote a letter to the Board of Pensions and provided documentation concerning the guilty plea of Henry Turrentine to thirteen (13) counts involving the HOBBS Act including Theft By Unlawful Taking-Movable Property, in violation of 18 Pa.C.S. § 3921, Receiving Stolen Property Guilty Plea, in violation of 18 Pa.C.S. § 3925, Criminal Trespass, in violation of 18 Pa.C.S. § 3503, Perjury, in violation of 18 Pa.C.S. § 4902, Official Oppression, in violation of 18 Pa.C.S. § 5301, Corrupt Organizations, in violation of 18 Pa.C.S. § 911, and Criminal Conspiracy, in violation of 18 Pa.C.S. § 903.

Mr. Turrentine worked as a City employee with the Department of Licenses & Inspections when he unlawfully took cash, jewelry, furniture, weapons and other personal possessions from five homes. The theft took place from mid 2006 until January 2008. Mr. Turrentine pled guilty to the counts, as outlined in the agreement and attached to this memorandum.

On October 24, 2011, Joshua Stein, Deputy City Solicitor, opined the crime committed by Mr. Turrentine triggers the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Turrentine is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Mr. Turrentine's benefit be immediately suspended, and
- Whether Henry Turrentine should be permanently disqualified and terminated from pension eligibility, and
- Whether Mr. Turrentine's pension contributions should be retained for payment of any applicable outstanding court-ordered fines and restitution.

Brian Albert made a motion to suspend current pension benefits, terminate and disqualify from pension eligibility and retain pension contributions to pay court ordered fines and restitution. Celia O'Leary seconded the motion.

The motion to suspend current pension benefits, terminate and disqualify from pension eligibility and retain pension contributions to pay court ordered fines and restitution carried unanimously 8-0.

Case of Algie Cuffee Sr. -Pension Disqualification, Plan “J”

Algie Cuffee Sr. was hired with the City of Philadelphia on August 17, 1987. After attaining 19 years, 9 months and 0 days of credited service, Algie Cuffee Sr. separated effective September 4, 2009 from the Department of Licenses & Inspections. He is currently receiving a Retirement Pension Benefit at this time.

On October 24, 2011, Inspector General, Amy Kurland wrote a letter to the Board of Pensions and provided documentation concerning the guilty plea of Algie Cuffee Sr. to twenty-five (25) counts involving the HOBBS Act including Theft By Unlawful Taking-Movable Property, in violation of 18 Pa.C.S. § 3921, Receiving Stolen Property Guilty Plea, in violation of 18 Pa.C.S. § 3925, Firearm Sales to Ineligible Transferee, in violation of 18 Pa.C.S. 6111, Perjury, in violation of 18 Pa.C.S. § 4902, Official Oppression, in violation of 18 Pa.C.S. § 5301, Corrupt Organizations, in violation of 18 Pa.C.S. § 911, and Criminal Conspiracy, in violation of 18 Pa.C.S. § 903.

Algie Cuffee Sr. worked as a City employee with the Department of Licenses & Inspection when he unlawfully took cash, jewelry, furniture, weapons and other personal possessions from five homes. The theft took place from mid 2006 until January 2008. Algie Cuffee Sr. pled guilty to the counts, as outlined in the agreement and attached to this memorandum.

On October 24, 2011, Joshua Stein, Deputy City Solicitor, opined the crime committed by Algie Cuffee Sr. triggers the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Algie Cuffee Sr. is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Algie Cuffee Sr.’s benefit be immediately suspended, and
- Whether Algie Cuffee Sr. should be permanently disqualified and terminated from pension eligibility, and
- Whether Algie Cuffee Sr.’s pension contributions should be retained for payment of any applicable outstanding court-ordered fines and restitution.

Harvey Rice made a motion to suspend current pension benefits, terminate and disqualify from pension eligibility and retain pension contributions to pay court ordered fines and restitution. Brian Albert seconded the motion.

The motion to suspend current pension benefits, terminate and disqualify from pension eligibility and retain pension contributions to pay court ordered fines and restitution carried unanimously 8-0.

OLD BUSINESS

Case of Stephen Hand, Application for Service-Connected Disability Benefits – Plan “B”

This issue will proceed using the **SAMMONS** issue. This case was denied at the March 24, 2011 Board meeting. Mr. Hand appealed the decision and a hearing was held on September 7, 2011.

This case was **denied** at the March 24, 2011 Board Meeting. A Hearing Panel was held on September 7, 2011.

The history of the case is as follows:

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

Mr. Hand sustained the injury responding to an emergency call when he was involved in car accident. The nature of Mr. Hand’s disability is limited mobility due to injury to neck, head, shoulders, and knee injuries. His date of injury is November 1, 2007.

The deposition of Dr. Michael McCoy was taken on July 25, 2011 where he opined:

“It is my opinion that three of the four injuries that happened at work were due solely to his work-related injury and any one of the three [out of the four injuries] in and of themselves would disable him from police work”. Deposition, p. 25.

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

The motion to approve carried 5-3.

Case of Francis Schneider, Request to Change Survivorship Option – Plan “D”

This case was **denied** at the January 28, 2011 Board Meeting. A Hearing Panel was held on September 7, 2011.

Francis Schneider signed his DROP paperwork on August 18, 2010 and elected a DROP entry date of August 23, 2010.

At the time of his DROP entry he elected survivorship option #3 naming his wife Carline Schneider. In a letter dated October 19, 2010 Michael Fanning Esq., on behalf of Mr. Schneider, states that Mr. Schneider would like to change his survivorship option to option # 1. The letter states that, since August 23, 2010, Mr. Schneider has made several attempts to change his option.

Mr. Schneider is appealing the administrative denial of his request to change his option, stating that his selection of option # 3 was a misunderstanding and the selection of option # 3 will cause him great hardship. Mr. Schneider and his wife were married on December 23, 2008.

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

The motion to approve carried 7-0-1.

Case of Harold Jackson, Deceased, Application for Survivorship Benefits in Plan “J”

This case was **denied** at the June 23, 2011 Board Meeting. A Hearing Panel was held on September 28, 2011.

The history of the case is as follows:

This is an application by Lizziell Jackson, legal widow of Harold Jackson for survivorship benefits in Plan J.

Lizziell Jackson is appealing the Administrative denial from the Board of Pensions to apply for benefits as common-law widow because she does not meet the two year requirement as a qualified widow.

Harold Jackson, a former heavy equipment operator, retired May 4, 1993. He died November 30, 2010. At the time of retirement he designated Lizziell Jackson, under Option 4, as beneficiary for the pension and life insurance. Harold and Lizziell were married February 28, 1992. They did not have any children together.

In Mrs. Jackson's notarized statement, she says she and Harold Jackson met in 1987 and began living together after about two years. She states they married 3 years later.

If approved for survivorship benefits, Mrs. Jackson would be eligible to receive \$1144.26 per month.

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

The motion to deny carried unanimously 8-0.

Case of Gladys McDowell - Pension Disqualification and Termination of Benefits, Plan “Y”

This case was **approved for disqualification** at the August 25, 2011 Board Meeting. A Hearing Panel was held on September 28, 2011.

The history of the case is as follows:

Gladys McDowell was hired with the City of Philadelphia on March 3, 1972. After attaining 20 years, 0 months and 6 days of credited service, including purchased service, Ms. McDowell retired effective September 13, 2002 from the First Judicial District of PA. She is collecting an Optional Early Retirement Pension Benefit at this time.

On July 25, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Gladys McDowell on four (4) counts involving the HOBBS Act including Forgery, Tampering with Public Records or Information, Official Oppression and Criminal Conspiracy.

Ms. McDowell worked as a City employee with the First Judicial District of PA where she was engaged in a conspiracy to create a fake warrant for her husband. For the above-mentioned crime, Ms. McDowell was found guilty to all counts, as outlined in the agreement and attached to this memorandum.

On August 1, 2011, Christopher DiFusco, Divisional Deputy City Solicitor, opined the crime committed by Ms. McDowell 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 forgery, tampering with public records or information, official oppression and criminal conspiracy, Ms. McDowell is disqualified from pension eligibility.

Mr. DiFusco further advises the Board must vote on 2 matters-- (1) whether to terminate Ms. McDowell's benefit in light of the information received regarding the guilty verdict and (2) whether Ms. McDowell shall be subject to the permanent disqualification of her retirement benefits.

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

The motion to deny carried unanimously 8-0.

NEW BUSINESS

New DROP Entry Forms – The Board reviewed the new DROP forms which will be initiated November 1, 2011. The changes to the process will eliminate the “Memorandum of Intent” and the DROP seminar. Employees will now fill out one application and indicate the DROP entry date which will enter them into DROP, if the application is approved and the necessary documents are enclosed. There was some discussion whether the “Change of Beneficiary” form should be included with those documents, however it was decided that only proof of age, social security number and name changes would be required. Employees who choose survivorship option #4 would still be required to be married two years prior to the DROP enrollment date.

Brian Albert made a motion to approve the new DROP Entry forms. Harvey Rice seconded the motion.

The motion to approve the new DROP Entry forms carried 6-0-2.

Executive Director's Report – Mr. Bielli informed the Board of the upcoming Board of Pension's Newsletter and stated that any ideas should be submitted to Teresa Gray by November 8, 2011. The Newsletter will be distributed to employees and retirees in December.

- a. Board and Education Travel Authorization – Christopher DiFusco submitted an Education and Speaking request for a seminar in Washington, DC on February 7, 2012.

Harvey Rice made a motion to approve the travel authorization for Christopher DiFusco. Brian Albert seconded the motion.

The motion to approve the Education and Travel authorization for Christopher DiFusco to attend the “Evolving Fiduciary Obligations of Pension Plans” seminar in Washington, DC on February 7, 2012 carried unanimously 8-0.

- **FYI**

- a. Litigation Summary – Joshua Stein reported on the current litigation cases and stated that the Mariano case will not be appealed. The City will release Mr. Mariano's contributions on or before October 31, 2011.

Brian Albert made a motion to adjourn. John Reilly seconded the motion.

The meeting adjourned at 9:47 a.m.