

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of January 19, 2017**

**MINUTES**

On January 19, 2017, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:10 a.m. in the Board's Conference Room.

Present: Paula Weiss  
William Rubin  
Brian Albert  
Pedro Rodriguez  
Carol Stukes-Baylor  
Ronald Stagliano  
Brian Coughlin  
Veronica Pankey  
David Magaldi

Also Attending: Francis Bielli - Board of Pensions  
Shamika Taliaferro – Board of Pensions  
Francois Dutchie – Law Department  
Ellen Berkowitz – Law Department  
Jo Rosenberger Altman – Law Department  
Brendan O'Rourke, Adam Coleman – Law Department  
Christopher DiFusco, Bernard Buckley – Investment Unit  
Tyrone Jordan, Kristyn Bair, Dominique Cherry,  
Eryn-Ashlie Bailey – Investment Unit  
Matthew Coyne – VP, TorreyCove  
Michelle Davidson – Managing Director, TorreyCove  
Kweku Obed, Dave Smith – Marquette  
Eric Stevenson, Bina Kumar – Nationwide  
Pam McCue – Financial Investment News

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of November 17, 2016.

Ronald Stagliano made a motion to approve the Minutes of November 17, 2016. Pedro Rodriguez seconded the motion.

**The motion to approve carried unanimously 6-0.**

**CONSIDERATION OF 191 PENSION APPLICATIONS AND 173 WITHDRAWAL APPLICATIONS (November & December, 2016)**

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

**The motion to approve carried unanimously 6-0.**

Carol Stukes-Baylor entered the room at this time.

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

### **Case of Regina M. Aviles, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application submitted by Regina Aviles, former police office for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Aviles, on June 30, 2011 while assisting to move a deceased three-hundred pound (300) male she fell down a flight of stairs.

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

**The motion to approve carried unanimously 7-0.**

### **Case of Eric R. Burke, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application submitted by Eric Burke, former police office for Service-Connected Disability benefits under Pension Plan “B”.

Mr. Burke states that on October 29, 2010 he was involved in a violent struggle with an offender causing injury that required surgery. On December 27, 2013 while responding to a possible robbery Mr. Burke states that he gave pursuit and fell to the ground injuring his shoulder.

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

**The motion to approve unanimously 7-0.**

### **Case of Richard J. Dennell, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application submitted by Richard Dennell, former police office for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Dennell, he reports three separate injuries; October 20, 2006-spinal injury as a result of vehicular accident, April 17, 2010-injury to spine when rolled over by police cruiser, July 7, 2011-while on foot patrol, tripped over concrete causing multiple injuries.

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

**The motion to approve carried unanimously 7-0.**

**Case of Uraina Smith, Application for Service-Connected Disability Benefits – Plan “B”**

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

According to Ms. Smith, on February 21, 2012 while traveling as a passenger in an emergency patrol wagon she was involved in a motor vehicle accident with a NJ Transit Bus. Ms. Smith states that the rear impact caused her to be snatched back and forth causing injuries.

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

**The motion to approve carried unanimously 7-0.**

**Case of Robin Zaborowski, Application for Service-Connected Disability Benefits – Plan “B”**

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

According to Ms. Zaborowski on September 17, 2012 after speaking to a complainant regarding a “fraud”, she turned and proceeded toward her vehicle to obtain information to complete her report. Ms. Zaborowski states that she rolled her ankle against a portion of missing pavement.

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

**The motion to approve carried unanimously 7-0.**

**Case of James F. Clark, Application for Service-Connected Disability Benefits - Plan “Y”**

This is an application submitted by James Clark, former industrial electrician with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Clark, on October 1, 2012 while he was working on a ladder he sustained an injury to his neck.

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

**The motion to approve carried unanimously 7-0.**

**Case of Vanessa D. Collins, Application for Service-Connected Disability Benefits – Plan “Y”**

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

According to Ms. Collins on October 31, 2014 while walking into work she sustained an injury to her left finger. Ms. Collins states that as she was attempting to free her jacket from a metal door, the door slammed and broke her finger. She also lost her finger nail during the incident.

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

**The motion to approve carried unanimously 7-0.**

**Case of Godfrey M. Granville, Application for Service-Connected Disability Benefits – Plan “Y”**

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

According to Mr. Granville, on June 4, 2015 he felt a pulling sensation on the left side of his neck while lifting a heavy trashcan. Mr. Granville states that he continued to work and the pain got worse, he began to experience pain, numbness, and tingling down his left arm.

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

**The motion to approve carried unanimously 7-0.**

**Case of Tyree K. Holmes-Irvin, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application submitted by Tyree Holmes-Irvin, former correctional officer with the Department of Corrections for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Holmes-Irvin, on July 22, 2015 while working on a housing unit he was attacked and stabbed eighteen (18) times. Mr. Holmes-Irvin states that he sustained a concussion, multiple stab wounds to the upper torso, neck, head, and right hand and wrist.

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

**The motion to approve carried unanimously 7-0.**

**Case of Leora M. Tucker, Application for Service-Connected Disability Benefits - Plan "Y"**

This is an application submitted by Leora Tucker, former deputy sheriff for Service-Connected Disability benefits under Pension Plan "Y".

According to Ms. Tucker, on July 21, 2014 she was assisting a security guard with a woman in the ladies' room when she sustained her injuries. Ms. Tucker states that as they pulled the woman she heard her back crunch and immediately felt pain in her shoulders, back, and lower back.

David Magaldi made a motion to deny. Pedro Rodriguez seconded the motion.

**The motion to deny carried 3-0-4.**

**APPLICATION FOR SERVICE-CONNECTED DEATH BENEFITS**

**Case of Douglas Bamberger, Deceased, Application for Service-Connected Death Benefits – Plan "B"**

This is an application submitted by Dawn Bamberger, spouse of the late Douglas Bamberger for Service-Connected Death benefits under Pension Plan "B".

Douglas Bamberger was a Police Officer working as a Court Liaison in the Criminal Justice Center. According to information contained within the COPA II, Mr. Bamberger exited the elevator on the ninth (9th) floor and collapsed in the hallway. CPR was begun and continued until Officer Bamberger was transported to Hahnemann Hospital.

Ronald Stagliano made a motion to defer to a Hearing Panel. Veronica Pankey seconded the motion.

**The motion to defer to a Hearing Panel carried unanimously 7-0.**

**APPLICATION FOR SURVIVORSHIP BENEFITS**

**Case of Alfred E. Warren Sr., Deceased, Application for Survivorship Benefits – Plan C**

This is an application by Alfred E. Warren Jr., Guardian, on behalf of Kelly Warren, as the adult dependent child of Alfred E. Warren Sr., for survivorship benefits in Plan C.

Alfred E. Warren Sr., a former Policeman, retired effective October 12, 1959. The default survivor option for Plan C was option 4. He died on April 30, 1994. At that time his widow, Patricia Warren, applied for and was granted survivorship benefits. She died on March 13, 2016.

In a notarized affidavit dated November 7, 2016, Alfred E. Warren Jr. stated that Kelly is the only surviving dependent child of Alfred E. Warren Sr. and that there were no other minor or dependent children at the time of Patricia Warren's death.

In a court examination and evaluation, Moya Peterson, PhD stated Miss Warren has Down Syndrome and developmental delay and will always need supervision and assistance in all areas of her life.

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

**The motion to approve carried unanimously 7-0.**

**Case of Joseph A. Walker, Deceased, Application for Survivorship Benefits - Plan D**

This is an application by Carolyn E. Walker, legal widow of Joseph A. Walker for survivorship benefits in Plan D.

At the time of his retirement, on February 15, 1972, Joseph Walker, former Police Officer, elected survivorship option 4 and named Carolyn Walker as the beneficiary on his life insurance. Joseph Walker married Carolyn Walker July 16, 1970, five months short of meeting the two-year marriage requirement under survivorship option 4.

Mrs. Walker submitted the following statement:

“It was not my husband's intention to retire at that time. He fully intended to stay on the police force until such time he would be fully vested. Unfortunately, my husband incurred an injury to his cervical spine and was forced to take early retirement with a disability pension under regulation 32. Had he not been injured in the line of duty, he would have been able to remain on the force and retire in December of 1974 at which point we would have been married for at least four years thereby surpassing the two- year survivorship benefit criteria.”

Mrs. Walker also submitted the required documentation for a survivorship benefit including Mr. Walker's divorce decree from March 25, 1970 and her divorce decree dated June 1, 1962.

David Magaldi made a motion to deny. Pedro Rodriguez seconded the motion.

**The motion to deny carried 3-0-4.**

**Case of Matthew Smith, Deceased, Application for Survivorship Benefits – Plan J**

This is an application by Donna Satchell Smith for survivorship benefits in Plan J.

Matthew Smith, an Airport Operations Agent, retired effective January 2, 2008. He received a Service retirement until his death on July 28, 2012.

At the time of his Service retirement, Mr. Smith chose survivorship option 4 and named his daughter Kelly Johnson as his survivor. She was also named as his life insurance beneficiary. Donna Satchell Smith is applying to have the Board of Pensions recognize her 5-year relationship with Mr. Smith prior to their marriage on October 8, 2008.

David Magaldi made a motion to deny. Pedro Rodriguez seconded the motion. After some discussion the motion was withdrawn.

Mr. Rubin asked if anyone was receiving the benefit now and if the daughter, who was the named beneficiary was disabled at the time.

William Rubin made a motion to table for further information. Veronica Pankey seconded the motion.

**The motion to table carried unanimously 7-0.**

## **OLD BUSINESS**

### **Case of Annamma Abraham, Application for Service-Connected Disability Benefits – Plan “Y”**

This case was denied at the board meeting held on August 25, 2016. A hearing panel was held on Wednesday, November 30, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.:	Deny – Injury as not while on duty; applicant testimony confirmed this
William Rubin:	Deny – Not on the job when injury occurred
Brian Coughlin:	Deny – no medical determination to support claim

Case Summary:

This is an application submitted by Annamma Abraham, former Community Health Registered Nurse for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Abraham she went to work on February 27, 2015 and while crossing the street after parking her car she fell and injured her right thumb and wrist.

William Rubin made a motion to deny. David Magaldi seconded the motion

**The motion to deny carried unanimously 7-0.**

**Case of Calvin R. Boyce Jr., Application for Service-Connected Disability Benefits – Plan “Y”**

This case was denied at the board meeting held on October 22, 2015. A hearing panel was held on Wednesday, November 9, 2016.

The hearing panel recommendations are as follows:

Carol Stukes-Baylor: Approved  
William Rubin: Approve based on Dr. Dworkin combined with Dr. Guagliardo  
Brian Coughlin: Approve based on deposition from Dr. Dworkin

Case Summary:

This is an application submitted by Calvin Boyce, former custodial worker with the Commerce Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Boyce on March 3, 2012, he was pulling the lid off of a trash can when he heard a “pop noise” and immediately felt pain down his right arm. Mr. Boyce states that he continues to experience severe pain in his neck, arm and shoulder.

William Rubin made a motion to approve. Carol Stukes-Baylor seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of John Valentino, Deceased, Application for Survivorship Benefits as Common Law Spouse – Plan “X”**

This case was denied at the board meeting held on February 25, 2016. A hearing panel was held on Wednesday, December 14, 2016.

The hearing panel recommendations are as follows:

Ronald Stagliano: Deny the application  
William Rubin: Denied due to marital status  
David Magaldi: Deny – John Valentino was still married to Eveleen when he retired

Case Summary:

This is an application by Marianne Valentino, as common-law spouse of John Valentino, for survivorship benefits in Plan “X”.

John Valentino, former Fire Lieutenant for the Fire Department, died on September 25, 2015. Submitted is a copy of his death certificate.



John Valentino retired effective March 21, 1991. At the time of his retirement, Mr. Valentino elected Survivorship Option #4 naming Richard Valentino and Marianne Martin (Valentino). Marianne Martin (Valentino) as beneficiary of his life insurance.

In a letter received December 3, 2015, Mrs. Valentino requested that the Board reverse the denial of survivor benefits, stating that although they were married March 14, 1992 they lived together since 1986. Also stating in many discussions with John Valentino before his passing, his understanding and wish was for her to receive survivor benefits.

William Rubin made a motion to deny. David Magaldi seconded the motion.

**The motion to deny carried unanimously 7-0.**

**Case of Robertito Fontan – Appeal of Pension Disqualification, Plan “B”**

This case was approved to permanently disqualify from pension eligibility at the Board meeting on February 25, 2016. A hearing panel was held on November 9, 2016.

The hearing panel recommendations are as follows:

Carol Stukes-Baylor:	Approve
William Rubin:	Deny application on basis of found guilty in Court
Brian Coughlin:	Deny appeal due to admittedly making false statements and being found guilty of same

**Case Summary:**

Robertito Fontan was hired on February 26, 1996 as an officer in the City of Philadelphia Police Department. He was terminated on January 9, 2013 after vesting with 11 years, 9 months of credited service.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Fontan from receiving a pension and provided documentation concerning Mr. Fontan's guilty pleas to two counts of making false statements in the course of a federal investigation. As set forth in the grand jury indictment, Mr. Fontan, who was an undercover narcotics officer, recruited and then developed an intimate relationship with a confidential informant whose paramour was a suspected drug dealer and the subject of an investigation. In the course of an FBI inquiry into a possible leak in that investigation, Mr. Fontan lied to federal agents about his relationship with the confidential informant and about having provided her with gifts and money.

On February 19, 2016, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Fontan's crimes triggered the disqualification provisions of both the Public Employee Pension Forfeiture Act and the Philadelphia Retirement Code.

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

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

David Magaldi made a motion to deny the appeal and approve to permanently disqualify from pension eligibility. Pedro Rodriguez seconded the motion.

**The motion to deny the appeal and approve to permanently disqualify from pension eligibility carried 6-1.**

**Case of Tyrone Wiggins- Appeal of Pension Disqualification and Termination of Pension eligibility - Plan "D"**

This case was approved to suspend pension benefits immediately, and disqualify and terminate from pension eligibility at the Board meeting held on December 8, 2011. A hearing panel was held on August 22, 2012 and the appeal was denied at the December 20, 2012 Board meeting. Mr. Wiggins appealed to the Court of Common Pleas who directed that his challenge be remanded to the Board. A hearing panel was held November 30, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.	Appeal denied. Pension Disqualification upheld.
William Rubin:	Deny due to conviction
Brian Coughlin:	Deny

Case Summary:

Tyrone Wiggins was hired with the City of Philadelphia, Police Department on March 3, 1986. After attaining 23 years, 8 months and 16 days of credited service, Mr. Wiggins separated effective November 19, 2009.

On November 18, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Tyrone Wiggins on (8) eight counts involving the HOBBS Act including Rape-Forcible Compulsion, Aggravated Assault, Statutory Sexual Assault, Corruption of Minors and Simple Assault.

Mr. Wiggins worked as a City employee with the Police Department where he was arrested for having sex with a minor for over an eight-year period. For the crime as above-mentioned, Mr. Wiggins was found guilty to various counts as outlined in the agreement, attached to this memorandum.

On November 30, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Wiggins trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employee Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Wiggins is disqualified from pension eligibility.

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

- Whether Tyrone Wiggins's benefit be immediately suspended and,
- Whether Tyrone Wiggins should be permanently disqualified and terminated from pension eligibility

William Rubin made a motion to deny the appeal and approve to suspend pension benefits, permanently disqualify and terminate from pension eligibility. David Magaldi seconded the motion.

**The motion to deny the appeal and approve to suspend pension benefits, permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

**Case of Collins Miles, Request to Change Survivorship Option from Option 2 to Option 1 – Plan B**

This case was denied at the board meeting held on May 27, 2015. A hearing panel was held on Wednesday, September 30, 2015. The record was left open for Mr. Miles to submit a copy of his divorce settlement to the board. A letter from attorney Frances M. Odza was received October 7, 2016 and is attached. An additional letter from Vinh P. Sue dated October 19, 2016 was also received and is attached.

The hearing panel recommendations are as follows:

Patricia Fitzgerald:	Approve
Veronica M. Pankey:	Deny – Current regulation permits such action as a result of death
Brian Albert:	Approve per legal opinion

Case Summary:

This is a request by Collins Miles to change his survivorship option from 2 to 1.

Collins Miles, a former Police Officer was hired on April 17, 1989 and retired on August 13, 2007. He chose option 2 and named his wife as beneficiary.

On April 27, 2015 the Board of Pensions received a letter from Mr. Miles requesting to change his option as he is going through a divorce and his children are grown.

Mr. Miles request was administratively denied and he submitted a letter appealing the denial.

Ms. Berkowitz stated that this is a unique situation and the wife has waived entitlement to his pension through her attorney. The Code does not prohibit this.

After some discussion the Board agreed that his subject needs to be discussed in the Legislative subcommittee and that there are some things in the ordinances that need to be addressed.

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

**The motion to approve carried unanimously 7-0.**

## **NEW BUSINESS**

- **Executive Director's Report** - Mr. Bielli stated the DC 33 agreement has been memorialized into legislation, which is Plan 16 for new employees and includes a tiered contribution. The stacked hybrid has a defined benefit portion with benefits equivalent to Plan Y up to a pensionable earnings limit of \$50,000. Also, employees can voluntarily participate in the defined contribution portion. Anyone hired after August 20, 2016 who is a DC 33 member will be moved into Plan 16. The legislation kept it retroactive and those people will be receiving letters from us in the coming weeks. For new DC 33 employees there will no longer be a Plan 10. The members who are already in Plan 10 will have a 90-day window to transfer into Plan 16. From an employee perspective, Plan 16 is likely more attractive than Plan 10.

Plan 16 will have the same minimum retirement age, same Plan Y benefits except there is a cap of \$50,000. Plan 16 applies to DC 33 members only. Exempts and non-reps are currently not subject to Plan 16.

- The Board meeting for February will be changed to February 22, 2017 at 9:30 AM. Ken Kent from Cheiron Actuarial Services will be presenting at the Investment meeting.
- **DROP** - Mr. Stagliano asked how many DROP plans are currently being administered and if it is working administratively. He requested to have a chart sent to all of the trustees showing the different DROP plans and requirements. He stated that the Board has great counselors here but all of the different rules are confusing and unnecessary. He added that the FOP has a subset now which is the Sherriff's and they have different DROP rules.

Ms. Stukes Baylor asked if the trustees could send a letter to City Council concerning the DROP as the Board represents all City employees. She feels that non-reps are being penalized because of their title and not because of their salary but they are being penalized by having to wait two years to enter DROP.

Mr. Bielli said that the Board has the ability to express as a group their interests in how DROP should be administered and what it should entail.

Mr. Bielli stated that DC 33 and 47 have settled the DROP lawsuits with the City. DC 33 and DC 47 members no longer have to wait two (2) years to enter DROP and will be subject to the new interest rate, which is the 1-year T-bill rate and changes every January 1<sup>st</sup>.

Mr. Rubin stated that the new DROP rules should have included Exempts, Non reps and Elected. There's still a two (2) year wait for those individuals.

The Board agreed to table further DROP discussion for an Executive Session.

- Mr. Bielli introduced Eryn Bailey, a new employee in the Investment unit. Ms. Bailey comes from Vanguard. The board welcomed Ms. Bailey.

#### Pension Adjustment Fund

Mr. Bielli stated he received the number remaining in the PAF. There is \$7.2 million dollars. There was nothing added to the PAF for the most recent fiscal year.

Ronald Stagliano made a motion to approve to distribute the Pension Adjustment Fund (PAF) at the end of April 2017 and to hold approximately \$1,000,000 in reserve. That will give some flexibility in making the multiplier an even number. The same formula/criteria and years of service that were used in prior years will be used. Carol Stukes-Baylor seconded the motion.

**The motion to approve the distribution of the PAF, leaving \$1,000,000 in reserve, at the end of April 2017 carried unanimously.**

#### **FYI**

- a. **Litigation Summary** – Ms. Berkowitz stated the Board prevailed in the Daley case in Common Pleas court and she appealed to Commonwealth Court. The Federal Judge has continued the stay until it is resolved.

Ronald Stagliano made a motion to adjourn. Pedro Rodriguez seconded the motion.

**The meeting adjourned at 9:45 a.m.**