

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of February 25, 2016**

MINUTES

On February 25, 2016, 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 Abernathy
Brian Albert
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
David Magaldi

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Jo Rosenberger Altman – Law Department
Ellen Berkowitz – Law Department
Patricia Fitzgerald – Human Resources
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
Steve Nesbitt – Cliffwater
Pam McCue – Financial Investment News
Claudia Vargas – Philadelphia Inquirer
Ken Kent, Anu Patel, Bob Murray – Cheiron
Steve Loudin – Penserra
Eric Stevenson, Emanuel Mahand – Nationwide
Will Greene – Loop Capital

Ms. Weiss called the meeting to order and welcomed Brian Abernathy who is the newest member of the Board and designee for the new Managing Director Michael DiBerardinis.

Ms. Weiss stated that the first order of business was the consideration of the Minutes of January 28, 2016.

William Rubin made a motion to approve the Minutes of January 28, 2016. Brian Albert seconded the motion.

The motion to approve carried unanimously 7-0-1.

CONSIDERATION OF 150 PENSION APPLICATIONS AND 113 WITHDRAWAL APPLICATIONS

William Rubin made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 7-0-1.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of James Abadie IV, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Abadie, on December 18, 2010 he was a passenger in a patrol car that was in an accident. The patrol car was struck by another vehicle causing it to strike a pole. Mr. Abadie suffered injuries to his knees.

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

The motion to approve carried unanimously 8-0.

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

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

According to Mr. Iezzi, on April 24, 2014 while executing a search warrant his left foot was wedged against an uneven sidewalk as he turned to retrieve a battering ram. Mr. Iezzi states that while turning he felt a sharp pain and heard a noise.

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

The motion to approve carried unanimously 8-0.

Case of Victoria A. Kueny, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Kueny, on January 31, 2009 as she was leaving the operation room to proceed to the cell room she slipped on a recently mopped floor. Ms. Kueny states that her hand

remained on the door knob as her foot went out causing her legs to split which caused injury to her back.

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

The motion to approve carried unanimously 8-0.

Case of Bernetta C. Scarvers, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Scarvers, on August 6, 2013, she was involved in a car accident. While completing a report the vehicle impact caused her to strike her head and she blacked out.

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

The motion to approve carried unanimously 8-0.

Case of Ilda Messina-Poulos, Application for Service-Connected Disability Benefits – Plan “J”

This is an application submitted by Ilda Messina-Poulos, former computer specialist with the Mayor’s Office of Community Service (MOCS) for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Messina-Poulos, on January 27, 2006 she was transferring files from the drawers of one cabinet to another and as she was pulling, lifting and twisting the heavy files, she injured her hand and wrist.

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

The motion to approve carried unanimously 8-0.

Case of Mervyn Tyson, Administrative Application for Service-Connected Disability Benefits – Plan “J”

This is an **administrative** application submitted for Mervyn Tyson, former laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan “J”.

Mr. Tyson has provided a signed notation dated August 14, 2015 that he does not wish to apply for Service-Connected Disability at this time.

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

The motion to approve carried unanimously 8-0.

Case of Wilson Cheeks Jr., Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Wilson Cheeks, former municipal guard with the Free Library for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Cheeks, on October 27, 2012 he fell to the ground from atop a ladder, at the library, landing on his ankle and knee causing injuries.

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

The motion to approve carried unanimously 8-0.

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

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

According to Mr. Owens, on March 31, 2014 he was collecting trash when he slipped off the curb and injured his knee.

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

The motion to approve carried unanimously 8-0.

Case of Harold S. Richardson, Application for Service-Connected Disability Benefits – Plan “X/J”

This is an application submitted by Harold S. Richardson, former firefighter and data support clerk with the Water Department for Service-Connected Disability benefits under Pension Plan “X/J”.

According to Mr. Richardson, on September 3, 1998 while transporting a patient to the hospital, his ambulance was struck by an SUV causing a neck injury.

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS AS COMMON-LAW SPOUSE

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

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. 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) as beneficiaries.

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.

Ms. Weiss pointed out that at the time of his retirement Mr. Valentino was married to someone other than the applicant.

Brian Albert made a motion to deny. William Rubin seconded the motion.

The motion to deny carried 6-2.

Case of Eunice L. Gillis, Application to Change Survivorship Option – Plan J

This is an application by Eunice L. Gillis to change her Survivorship Option from #1 to #2.

Eunice L. Gillis retired from DROP effective September 17, 2015. She selected Survivorship Option #1 and named her fiancé Antonio T. Scott.

In a letter dated December 11, 2015, Ms. Gillis requested to change her survivorship option from #1 to #2 due to not clearly understanding the options presented at her appointment on October 2, 2015. Pension Program Administrator Stacey White administratively denied her request in a letter dated December 18, 2015. Ms. Gillis submitted a written appeal dated January 4, 2016.

At the retirement appointment, the counselor noted that Ms. Gillis selected Option #4 at the DROP seminar on September 16, 2011, however, there wasn't a marriage certificate in the file as Ms. Gillis was not legally married. Therefore, the other options were reviewed at that time. Ms. Gillis wanted Mr. Scott to receive a survivorship benefit under Option 2, but was concerned about the \$20,000.00 decrease in her DROP total and ultimately selected option #1.

William Rubin made a motion to deny. Brian Albert seconded the motion.

The motion to deny carried 7-0-1.

PENSION DISQUALIFICATION

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

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. He is currently eligible for but has not applied for pension benefits and would receive a benefit of approximately \$1960/month.

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.

Mr. Rubin inquired about the process for pension disqualification and the roles of the Law Department, Inspector General’s office and Human Resources and if they had dual functions.

Ms. Berkowitz explained that the Inspector General’s office identifies people who have been arrested, charged of crimes and possibly convicted. They send the information to the Law Department and Law reviews it to determine if the crimes are connected to the person’s City employment. Sometimes the offenses are not connected to employment, in which case they don’t recommend disqualification.

Mr. Albert said that the Human Resources department is not always aware of the reason someone is separated.

Brian Albert made a motion to approve the pension disqualification of Mr. Fontan.
Brian Abernathy seconded the motion.

The motion to approve the pension disqualification of Robertito Fontan carried unanimously 7-0-1.

OLD BUSINESS

Case of Sheena Lawton, Appeal the denial of her Application for Service-Connected Disability benefits

This case was denied at the Board meeting held on December 4, 2014. A hearing panel was held on Wednesday, January 13, 2016.

The hearing panel recommendations are as follows:

Patricia Fitzgerald:	Deny
Brian P. Coughlin:	Applicant “no-show” on four (4) occasions. Deny application due to lack of medical information to support claim
Carol Stukes-Baylor:	No

Case Summary:

This is an application submitted by Sheena Lawton, former laborer, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Lawton she sustained an injury while lifting a bin between two parked cars. She states that as she stepped down off a high curb she twisted her back and hurt her hip.

Brian Albert made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 7-0-1.

Case of Deborah E. Dailey, Appeal of suspension of pension benefits and permanent disqualification of pension eligibility

This case was **approved** to permanently disqualify from pension eligibility and suspend pension benefits within thirty (30) days at the Board meeting held on September 17, 2015. A hearing panel was held on January 13, 2016.

The hearing panel recommendations are as follows:

Patricia Fitzgerald:	Appeal denied in accordance with the City of Philadelphia Public Employees Retirement Code
Brian P. Coughlin:	Approval of suspension of benefits based on Code Section 1302. Commonwealth is clearly stated in section 1302-1.a.4
Carol Stukes-Baylor:	No

Case Summary:

Deborah Dailey was first hired by the First Judicial District (“FJD”) on December 17, 1979. She separated as Deputy Courts Administrator on May 14, 2014, as a result of charges that she had used FJD resources for her own benefit. She is a member of Plan J and applied for Optional Early Retirement, receiving a benefit of \$6500 monthly.

Inspector General Amy Kurland requested that the Board consider disqualifying Ms. Dailey from receiving a pension as a result of her plea in the Court of Common Pleas to theft of movable property. The criminal information reflects that Ms. Dailey purchased approximately \$70,000.00 in gift cards from Staples and Best Buy for her own use, charging their purchase to the FJD.

On September 2, 2014, Ellen Berkowitz, Deputy City Solicitor, opined that Ms. Dailey’s crime trigger the disqualification provision of the Philadelphia Code and that she is disqualified from pension eligibility.

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

- Whether Ms. Dailey should be permanently disqualified and terminated from pension eligibility.

Discussion ensued regarding Section 22-1302 of the Pension Code.

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

The motion to deny the appeal of pension disqualification carried 6-0-2.

NEW BUSINESS

- **Executive Director’s Report** – Mr. Bielli stated that the actuary, Cheiron is here today to make their presentation. The actual financial statement from the Auditor is in the Board’s folders.
 - a. **Litigation Summary** – Ms. Berkowitz stated there are currently three cases on appeal in Common Pleas Court.

William Rubin made a motion to adjourn. Brian Albert seconded the motion.

The meeting adjourned at 9:25 AM.