

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of August 28, 2014**

MINUTES

On August 28, 2014, 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
Patricia Fitzgerald
Carol Stukes-Baylor
Ronald Stagliano
Andrew Thomas
Veronica Pankey
James Leonard

Also Attending: Francis Bielli - Board of Pensions
Mark Murphy - Board of Pensions
Sumit Handa, Christopher DiFusco, Brad Woolworth - Investment Unit
Katherine Janoski – Law Department
Will Greene – Capital Loop
M. Johnson – Cliffwater

Ms. Weiss stated that the first order of business was the consideration of the Minutes of July 24, 2014.

Brian Albert made a motion to approve the Minutes of July 24, 2014. William Rubin seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF (128) PENSION APPLICATIONS AND (60) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Richard A. Lorenz Jr., Application for Service-Connected Disability Benefits – Plan “A”

This is an application submitted by Richard Lorenz, former firefighter, for Service-Connected Disability benefits under Pension Plan “A”.

According to Mr. Lorenz he sustained a broken ankle on June 30, 2000 while working as police officer trying to apprehend an armed suspect. Mr. Lorenz transferred from the Police Department to the Fire Department in January, 2007. While working as a firefighter on August 9, 2010, he reports falling off a roof in heavy smoke conditions and breaking his ankle. On February 6, 2013 his boot became stuck causing him to fall breaking his ankle. Mr. Lorenz states that corrective surgery was performed on his leg, ankle, and knee.

Andrew Thomas made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Everett F. Echols, Application for Service-Connected Disability Benefits – Plan “D”

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

According to Mr. Echols he sustained his injury on June 23, 2010 while trying to apprehend a combative suspect. While wrestling the resisting and tussling suspect to the ground he reported feeling a “pop” in the lower back.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Catherine T. Young, Application for Service-Connected Disability Benefits – Plan “D”

This is an application submitted by Catherine Young, former police officer, for Service-Connected Disability Benefits under Pension Plan “D”.

According to Ms. Young, she sustained her injury on August 29, 2009 during a “flash mob” in the park. Two incidents prompted police response: shots fired and robbery. Emergency vehicles

needed access to the site but were prevented entry due to a bolted security gate. While lifting the bolt, Ms. Young was unaware that it was secured in place with a large lock. The lock hit the metal gate and intense pain was felt resulting from the injury.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

APPLICATION TO CHANGE SURVIVORSHIP OPTION

Case of Valorie Rodgers-Rice, Application to Change Survivorship Option – Plan “Y”

This is an application by Valorie Rodgers-Rice to change her Survivorship Option from #3 to #1.

Valorie Rodgers-Rice was awarded a service connected disability pension effective April 25, 2006. She selected survivorship option 3 and named her grandson, Daquon Rodgers.

In a letter dated June 16, 2014 Ms. Rodgers-Rice requests to change her survivorship options from option 3 to 1 due to her current financial hardship and health. Her request was administratively denied by the Board. Ms. Rodgers-Rice submitted a written appeal dated July 11, 2014.

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

The motion to deny carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS - MEDICALLY DEPENDENT ADULT CHILD

Case of Gustavus Burgmann, Deceased, Application for Survivorship Benefits - Medically Dependent Adult Child – Plan “J”

This is an application on behalf of Heidi Burgmann, a medically dependent adult child of Gustavus Burgmann, for survivorship benefits in Plan “J”.

Gustavus Burgmann, former Inspector for the Water Department retired effective January 1, 1983. At the time of his retirement, Mr. Burgmann elected Option #4 naming Dolores Burgmann (wife) and Heidi Burgmann (dependent child).

Gustavus Burgmann died on November 26, 1997. Submitted is a copy of his death certificate.

Dolores Burgmann (wife) died on November 22, 2013. Submitted is a copy of her death certificate.

In a letter received January 16, 2014, Gretchen M. Whener, executrix for Dolores Burgmann states that her mother Dolores had no other medically dependent adult children aside from Heidi Burgmann. Therefore, she is applying for survivorship benefits on behalf of Heidi.

The Board reviewed the documents submitted by Mrs. Whener.

Carol Stukes-Baylor made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of Henry Campbell, Deceased, Application for Survivorship Benefits – Plan “J”

This is an application by Dorothy Campbell, common-law widow of Henry Campbell, for survivorship benefits.

Henry Campbell, former Equipment Operation in the Streets Department, retired 1/6/83.

In a letter from the daughter and power of attorney for Dorothy Campbell she advises her parents met in the late 1950s and began living together around 1958 or 1959. They had four children together of which two are deceased.

The Board reviewed the documentation submitted by Sandra Campbell Bowman on behalf of her mother, Dorothy Campbell,

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

The motion to approve carried unanimously 8-0.

Case of Walter Timms, Deceased, Application for Survivorship Benefits, Plan “J”

This is an application by Anna Quick, common-law widow of Walter Timms, for survivorship benefits in Plan J.

Walter Timms, former Laborer, retired September 7, 2001. He died September 10, 2013.

When he retired he selected Option 4 and designated Anna Quick and his mother Sheba Quick as survivors. Anna Quick is applying for approval of common-law status as of September 1999.

Anna Quick submitted documentation supporting her case and a statement to appeal the original letter from the Board of Pensions.

Carol Stukes-Baylor made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried 5-3.

Case of Ronald Williams, Application for Survivorship Benefits - Plan “J”

This is an application by Rena Christmas Williams, widow of Ronald Williams, for Common-Law Survivorship benefits under Survivorship Option #4.

Ronald Williams, a former Emergency Water Distribution Repair Worker for the Water Department, entered the DROP program on January 1, 2000. He retired from DROP effective January 1, 2004.

Ronald Williams and Rena Christmas were married April 12, 2003.

Mr. Williams died on February 7, 2014.

At the time he entered the DROP program, he selected Survivorship Option #4, naming friend Rena Christmas as his survivor.

At the time she contacted the Board of Pensions regarding application for survivorship benefits, Rena Christmas Williams was advised by staff in a letter dated March 10, 2014 that since her marriage to Mr. Williams did not occur until after his date of retirement (DROP entry) that she was ineligible for survivorship benefits.

Rena Christmas Williams contacted the Board of Pensions in a letter dated March 12, 2014 and stated that she and Mr. Williams had been in a Common-Law marriage prior to legally marrying in 2003. A letter advising her of the requirements for demonstrating Common-Law marriage was forwarded by staff on March 31, 2014.

Rena Christmas Williams responded with a notarized statement, letters from friends and staff of her church, and other documentation in support of her relationship with Mr. Williams.

Rena Christmas Williams states in her notarized letter that she and Mr. Williams became a couple in 1996, and began living together in 1998. She further states that she had been widowed since 1994 and Mr. Williams had been divorced at the time they met.

The death certificate for James Christmas, Rena Christmas Williams' late husband, lists his date of death as February 1, 1994. Ronald Williams' divorce from former wife Earline Williams became final on August 4, 1993.

Following review of her application materials, staff forwarded a letter to Rena Christmas Williams dated July 1, 2014 which stated that due to insufficient information demonstrating a Common-Law relationship existing for two (2) years prior to Mr. Williams' DROP enrollment date, her application was administratively denied.

In a letter received July 29, 2014, Rena Williams Christmas appealed the denial of her case.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 7-0-1.

REQUEST TO CHANGE DROP ENTRY DATE

Case of Michael F. Roeshman, Request to Change his DROP Entry Date, Plan X

This is a request by Michael F. Roeshman to change his DROP Entry Date.

Michael F. Roeshman, a Fire Deputy Chief entered the DROP on September 6, 2010. Due to the Mayor wishing to do away with the DROP program at that time, he feels he made a hasty decision at the time and is not ready to retire in September, 2014.

He is petitioning the Board to change his DROP retirement date to January, 2017. He intends to pay any contributions due during his time in DROP. At the time of his DROP entry, he already had over 40 years of credited service and is currently 66 years of age. He has applied for DROP several times prior to his September 6, 2010 date.

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

The motion to deny carried unanimously 8-0

Case of Marie Polidoro, Request to be permitted to Pay Pension Contributions for Transcript Fees Earned From Agencies Other Than the First Judicial District of Philadelphia

Marie Polidoro is a Court Reporter with the First Judicial District (FJD) who elected to have her transcript fees included as pension compensation.

On 6/11/14, we received from Ms. Polidoro Schedule C as proof of her 2013 transcript fees. Staff questioned the amount (\$31,732), since it was much higher than amounts earned in previous years.

In a letter dated 6/19/14, we requested that Ms. Polidoro either submit her 2013 form 1099M or an explanation for the discrepancy.

On 6/25/14, we received her explanation and several 1099M forms from private companies.

On 7/8/14, the Law department opined that Court Reporters may not pay pension contributions for transcript fees earned from organizations other than the FJD.

In a letter dated 7/9/14, we requested that she either her submit her 2013 form 1099M from the FJD or provide an explanation as to why the form was not available.

On 7/21/14, we received her FJD 2013 1099M, which confirmed that she actually earned \$1,710.00 in transcript fees for 2013 from the FJD.

On 7/22/14, her request to pay pension contributions for transcript fees earned from organizations other than the FJD was administratively denied.

On 7/23/14, she was advised of the pension contribution due for transcript fees earned from the FJD. We received and processed her payment of \$33.00 on 8/7/14.

We received her timely appeal on 8/8/14.

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

The motion to deny carried unanimously 8-0.

PENSION DISQUALIFICATIONS

Case of Michael Brown – Pension Disqualification, Plan “A”

Michael Brown was hired on June 24, 2002 as a medic with the City of Philadelphia Fire Department. He was terminated effective May 27, 2013, after attaining 10 years, 11 months, and 4 days of credited service. He is receiving a pension benefit of \$488.86 per month.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Brown from receiving a pension and provided documentation concerning Mr. Brown’s guilty pleas for theft by unlawful taking and receiving stolen property. As reflected in the Affidavit of Probable Cause, Mr. Brown took \$825.00 from a patient he had transported to Episcopal Hospital. On August 19, 2014, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Brown’s crimes triggered the disqualification provisions of the Philadelphia Code.

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

Whether Mr. Brown should be permanently disqualified and terminated from pension eligibility.

Attached are the following:

1. Opinion from Ellen Berkowitz, Deputy City Solicitor
2. Certified Record

Brian Albert made a motion to approve the suspension of current pension benefits and disqualify from pension eligibility. William Rubin seconded the motion.

The motion to approve the suspension of current pension benefits and disqualify from pension eligibility carried unanimously 8-0.

Case of Celestine Marks – Pension Disqualification, Plan “Y”

Celestine Marks was an employee of the City of Philadelphia Department of Parks and Recreation, originally hired as a seasonal employee in 1991 and finally working as an assistant recreation leader. Her last day in pay status was December 22, 2011, after attaining 14 years, 8 months and 2 days of credited service. She is not collecting any benefit at this time but would be eligible to receive \$1,010.00 upon reaching age 60.

Inspector General Amy Kurland requested that the Board consider disqualifying Ms. Marks from receiving a pension. She provided documentation concerning the conviction of Ms. Marks on counts of theft by failure to make required disposition of funds and theft by unlawful taking. The Affidavit of Probable Cause reflected that Ms. Marks set up an account through the Tustin Recreation Center and diverted funds from that account for her personal use.

On August 11, 2014, Ellen Berkowitz, Deputy City Solicitor, opined that Ms. Marks' crimes trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employee Pension Forfeiture Act and that she is disqualified from pension eligibility. Ms. Berkowitz advises the Board must vote on the following:

Whether Ms. Marks should be permanently disqualified and terminated from pension eligibility. Attached are the following:

1. Opinion from Ellen Berkowitz, Deputy City Solicitor
2. Certified Record

Brian Albert made a motion to disqualify from pension eligibility and retain contributions to the extent of costs, fines and restitution. Patricia Fitzgerald seconded the motion.

The motion to approve the disqualification from pension eligibility and retain contributions to the extent of costs, fines and restitution carried 7-0-1.

OLD BUSINESS

Case of Kenneth Gladney, Application for Service-Connected Disability Benefits – Plan “Y”

This case was **denied** at the April 24, 2014 Board Meeting. A Hearing Panel was held on July 9, 2014.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial.
Disability not due solely to injury of right ankle.

Ms. Patricia Fitzgerald: Recommend denial.
Medical evidence presented does not support claim of disability solely due to work injury.

Mr. Andrew Thomas: Recommend approval.
 Dr. Weinerman and Dr. Weiss due solely.

The history of the case is as follows:

This is an application by Kenneth Gladney, former Labor Crew Chief, Health Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Gladney, he sustained the injury while at a training session when he tripped and fell. He further stated that his disability is to his ankle and knee. The date of his injury was July 12, 2011.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.
The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

Case of Pamela Hameen, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Pamela Hameen, former Correctional Sergeant, Prisons Department, for Service-Connected Disability Benefits in Plan “Y”. Her case was denied at the board meeting on June 27, 2013. This is a **SAMMONS** case.

This case was **denied** at the June 27, 2013 Board Meeting. A Hearing Panel was held on July 9, 2014. The Hearing Panel votes are as follows:

Ms. Patricia Fitzgerald: Recommend denial.
 Inconclusive evidence to support claim of disability due solely to
 Work related injury.

Mr. James Leonard: Recommend denial.

Mr. Andrew Thomas: Recommend approval.
 Continued treatment of injuries by panel doctors.

The history of the case is as follows:

According to Ms. Hameen, she sustained the injury while on duty when she was attacked from behind and thrown into a wall. She fell to the floor where she suffered a mild concussion, a broken finger, and back injury.

The nature of Ms. Hameen's disability is limited mobility due to swelling in hands and legs, with pain in foot, lower back and neck. Her date of injury is September 18, 2009.

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

The motion to approve carried 5-3.

Case of Nancy Gonzalez, Application to Change Survivorship Option – Plan “J”

This case was **denied** at the April 24, 2014 Board Meeting. A Hearing Panel was held on July 9, 2014.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial. Election is irrevocable.

Ms. Patricia Fitzgerald: Recommend denial.

Mr. Andrew Thomas: Recommend denial. Section 22.306.4

The history of the case is as follows:

This is an application by Nancy Gonzalez to change her Survivorship Option from #3 to #1.

Nancy Gonzalez retired under Optional Early effective July 24, 2012. She selected Survivorship Option #3 and named her adult sons, Mark and Michael.

In a letter dated February 19, 2014, Ms. Gonzalez requested to change her survivorship option from #3 to #1 due to her current financial hardship. She further stated that she did not clearly understand the options at her appointment on August 21, 2012. Pension Program Administrator Shamika Taliaferro administratively denied her request in a letter dated March 5, 2014. Ms. Gonzalez submitted a written appeal dated March 14, 2014.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried unanimously 8-0.

Case of Thomas J. Bachmayer, Jr. - Appeal of Administrative Denial to Withdraw from DROP

This case was **denied** at the February 27, 2014 Board Meeting. A Hearing Panel was held on July 28, 2014.

The Hearing Panel votes are as follows:

Ms. Patricia Fitzgerald: Recommend denial.

Ms. Veronica Pankey: Recommend denial.
Deny to withdraw from DROP. Per phone conversation with Joana, member is no longer interested with this matter. No show; two prior reschedules.

Mr. William Rubin: Recommend denial.
Deny due to signed irrevocable form.

The history of the case is as follows:

The Pension Board received Thomas J. Bachmayer Jr.'s application for DROP, along with a notarized copy of his birth certificate on October 17, 2013. Mr. Bachmayer's application was processed and approved November 14, 2013 for his selected start date of January 20, 2014. On November 15, 2013 an acceptance confirmation letter was mailed from Pension Administrator, Shamika Taliaferro.

On December 5, 2013, Mr. Bachmayer requested permission to withdraw from DROP. His request was administratively denied by Pension Administrator Shamika Taliaferro since participation in DROP is irrevocable.

Mr. Bachmayer's appeal to Fran Bielli, Executive Director was received on January 13, 2014.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 7-0-1.

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated that September 9th is the NASP conference and 8th Annual Emerging Managers Forum. It is also the Distinguished Partners Award luncheon and Carol Stukes-Baylor will be given an award at the luncheon for her work in that area. Ms. Pankey, Ms. Cherry and Mr. DiFusco will be attending the luncheon. The Board congratulated Ms. Stukes-Baylor on her award.

Mr. DiFusco will be on a panel at the conference speaking about the Board's work in the area of emerging managers in the last year.

At the request of Jim Allen from PAPERS, Mr. Bielli and Mr. Handa will be on a panel at the PAPERS Fall Workshop on September 18, 2014. Institutional Investor Magazine chose the Board as the recipient of the Small Public Plan of the Year. All Board members are welcome to attend the PAPERS two-day workshop September 17 and 18, 2014.

Mr. Bielli stated that Tonya Tinsley will be leaving the Board and going to the Department of Fleet Management soon. He thanked her for all her hard work and said she would be missed. The Board thanked her and wished her luck in her new position.

Business and Education Travel Request

Ms. Stukes made a motion to approve a request for any Board members who would like to attend the NCPERS Public Safety Conference in New Orleans, LA from October 26-29, 2014. William Rubin seconded the motion.

The motion to approve the Business and Education Travel Request for any Board members to attend the NCPERS Public Safety Conference in New Orleans, LA from October 26-29, 2014 carried unanimously 8-0.

Medical Panel List - Fiscal Year 2015

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

The motion to approve the Medical Panel list carried unanimously 8-0.

FYI

Mr. Stagliano stated that the Court reinstated the Police Officers first amendment rights in regards to political contributions. The FOP is requesting to set up a payroll deduction for retirees, assuming there is not going to be an appeal.

Mr. Bielli said staff will start the process preliminarily and once the appeal period ends will move forward with it.

Litigation Summary – Mr. Leonard stated there are no significant developments to report.

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

The meeting adjourned at 9:23 a.m.