

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of June 23, 2016**

MINUTES

On June 23, 2016, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:05 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
Pedro Rodriguez

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Jeff Hornstein – City Controller's Office
Ellen Berkowitz – Law Department
Jo Rosenberger Altman – Law Department
Brendan O'Rourke – Law Department
Adam Coleman – Law Department
Michael Donatucci – CIO Investment Unit
Christopher DiFusco – Investment Unit
Bernard Buckley – Investment Unit
Tyrone Gordon – Investment Unit
Kristyn Bair, Aubrey Hassan – Investment Unit
Mark Johnson – Cliffwater
John Turk – Prudential (VP)
Eric Stevenson – Nationwide
Hazel Durand – Nationwide
Skip Corkran – Delaware Investments (VP)
Kweku Obed – Marquette
Arnold West – GIA Partners
Elsie McCloskey - Applicant

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of June 2, 2016.

Ronald Stagliano made a motion to approve the Minutes of June 2, 2016. Brian Albert seconded the motion.

The motion to approve carried unanimously 6-0.

Veronica Pankey and Brian Abernathy joined the meeting.

CONSIDERATION OF 131 PENSION APPLICATIONS AND 95 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 James Aviles, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Aviles, on January 22, 2011 while assisting fellow officers to break up a large fight he fell backwards as one of the offenders landed on top of him. Mr. Aviles states that his left leg was bent out to the left. On February 9, 2012 he states that while responding to a domestic dispute and possible theft/burglary he and his partner confronted, subdued, and handcuffed the male suspect. The male suspect kicked him in both knees causing injuries.

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

The motion to approve carried unanimously 8-0.

Case of Jimmy Leocal, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Leocal, on September 3, 2010 he sustained a hand injury during a struggle with a defendant. Mr. Leocal states that on July 31, 2012 he re-injured his hand and elbow while attempting to stop a stabbing.

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

The motion to approve carried unanimously 8-0.

Case of Edward W. Salamon Jr., Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Salamon, on June 27, 2013 while participating in a training exercise he was thrown from a horse injuring his back and spine.

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

The motion to approve carried unanimously 8-0.

Case of Wayne R. Yhost Jr., Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Yhost, on June 30, 2011 he fell down a few stairs and grabbed the railing with his arm. Mr. Yhost states that from the fall he sustained injuries in his hand and shoulder.

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

The motion to approve carried unanimously 8-0.

Case of John L. Hinton Jr., Application for Service-Connected Disability Benefits – Plan “X”

This is an application submitted by John Hinton, former firefighter for Service-Connected Disability benefits under Pension Plan “X”.

According to Mr. Hinton, he developed a lung condition over the span of his 30-year career as a firefighter. Mr. Hinton states that during his early years he worked without a breathing apparatus. He also cites exposure to smoke particles as part of his firefighting activities as another contributing factor. No specific date of injury provided.

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

The motion to deny carried 5-0-3.

Case of Eton Gibbons, Application for Service-Connected Disability Benefits – Plan “Y”

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

According to Mr. Gibbons, on August 13, 2013 while emptying a recycling bin he struck his shoulder on the hopper.

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

The motion to approve carried unanimously 8-0.

Case of Donna B. McNeely, Application for Service-Connected Disability Benefits – Plan “Y5”

This is an administrative application submitted for Donna B. McNeely, former laborer with the MOCS, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. McNeely, on January 21, 2010 while walking off a recently cleaned lot she slipped on the ice hitting her knee.

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

The motion to approve carried unanimously 8-0.

Case of Steven B. Welch, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Steven B. Welch, former accountant with the Streets Department, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Welch, on February 12, 2014 while entering the snow emergency vehicle he slipped, injuring his right arm. Mr. Welch states that surgery was performed on October 7, 2014.

Ms. Weiss stated that Mr. Bielli is still waiting for further information from Dr. Guagliardo.

Veronica Pankey made a motion to table for further information. Ronald Stagliano seconded the motion.

The motion to table for further information for 30 days carried unanimously 8-0.

Case of Albert Lee, Request to Opt Out of Plan 10 after the Deadline

Albert Lee was hired effective 9/29/15.

A certified letter and Plan 10 opt out form was forwarded to his home address on 11/9/15 and was signed for by L. Lee. Since we had not received Mr. Lee's Plan 10 opt out form within 30 days, Finance was notified to change his pension plan from Y to 10.

On 5/3/16, we received Mr. Lee's email request to have his pension plan transferred back to Plan Y. On 5/4/16, a certified administrative denial was forwarded to his home address. His timely appeal was received on 6/3/16.

Veronica Pankey made a motion to table for 30 days. David Magaldi seconded the motion.

The motion to table for 30 days carried 7-0-1.

Case of Jonathan Garcia – Pension Disqualification, Plan B

Jonathan Garcia was hired on August 11, 2008 as a Police Officer in the Narcotics Unit. He was terminated on June 19, 2012 with 3 years, 10 months and 9 days of credited service. He withdrew his pension contributions of \$9,922.64 on November 13, 2015.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Garcia from pension eligibility because Mr. Garcia, along with another police officer used his position, his uniform, weapon, and patrol car to steal money from suspected drug dealers. As set forth in the grand jury indictment Mr. Garcia and another officer stopped and searched individuals whom they believed to be involved in the illegal trafficking of controlled substances for the purpose of stealing their money. The police officers also utilized a confidential source to participate in the robbery of suspected drug dealers. The officers would plant drugs in the cars of suspected drug dealers, initiate traffic stops, conduct searches and steal the suspects' money.

Inspector General Amy Kurland provided documentation concerning Mr. Garcia's guilty pleas to Count 1, Conspiracy to Commit Robbery which interfered with Interstate Commerce, 18 U.S.C. § 1951(a), Count 2, Attempted Robbery, Count 3, Carrying a Firearm During and in Relation to a Crime of Violence, and Count 5, Robbery which interfered with Interstate Commerce on February 4, 2015.

On June 10, 2016, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Garcia's crimes triggered the disqualification provision of Section 22-1302 of the City of Philadelphia Public Employees Retirement Code.

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

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

The following documents were attached for review.

1. Opinion from Ellen Berkowitz, Deputy City Solicitor
2. Indictment
3. Judgment

William Rubin made a motion to permanently disqualify Mr. Garcia from pension eligibility. Brian Abernathy seconded the motion.

The motion to permanently disqualify Mr. Garcia from pension eligibility carried unanimously 8-0.

Case of Sydemy Joanis– Pension Disqualification, Plan B

Sydemy Joanis was hired on December 17, 2007 as a Police Officer in the Narcotics Unit. He was terminated on February 28, 2013 with 5 years, 2 months and 12 days of credited service. He withdrew his pension contributions of \$13,994.40 on May 13, 2014.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Joanis from pension eligibility because Mr. Joanis, along with another police officer used his position, his uniform, weapon, and patrol car to steal money from suspected drug dealers. As set forth in the grand jury indictment Mr. Joanis and another officer stopped and searched individuals whom they believed to be involved in the illegal trafficking of controlled substances for the purpose of stealing their money. The police officers also utilized a confidential source to participate in the robbery of suspected drug dealers. The officers would plant drugs in the cars of suspected drug dealers, initiate traffic stops, conduct searches and steal the suspects' money.

Inspector General Amy Kurland provided documentation concerning Mr. Joanis's guilty pleas to Count 1, Conspiracy to Commit Robbery which interfered with Interstate Commerce, 18 U.S.C. § 1951(a), Count 2, Attempted Robbery, Count 4, Carrying a Firearm During and in Relation to a Crime of Violence, and Count 5, Robbery which interfered with Interstate Commerce on February 4, 2015.

On June 10, 2016, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Joanis's crimes triggered the disqualification provision of Section 22-1302 of the City of Philadelphia Public Employees Retirement Code.

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

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

The following documents were attached for review.

1. Opinion from Ellen Berkowitz, Deputy City Solicitor
2. Indictment

William Rubin made a motion to permanently disqualify Mr. Joanis from pension eligibility. Brian Abernathy seconded the motion.

The motion to permanently disqualify Mr. Joanis from pension eligibility carried unanimously 8-0.

OLD BUSINESS

Case of Deborah Taylor, Application for Service-Connected Disability Benefits Plan "J"

This case was tabled at the April 28, 2016 Board meeting for further information from the Philadelphia Parking Authority. An injury report for the date of January 6, 2014 is attached. Also attached are Addendums from Drs. Guagliardo and Weinerman and a report from Dr. Jonathan Garino.

This is an application submitted by Deborah Taylor, former parking enforcement supervisor with the Philadelphia Parking Authority, for Service-Connected Disability benefits under Pension Plan "J".

According to Ms. Taylor, on or about January 6, 2014 while on patrol she states that she stepped down off a high curb and her right (knee) snapped or twisted over causing injuries to her knee.

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

The motion to approve carried unanimously 8-0.

Case of Elsie K. McCloskey, Application for Service-Connected Disability Benefits Plan "Y"

This case was denied at the March 26, 2015 Board meeting. A hearing panel was held on January 13, 2016. The hearing panel recommendations are as follows:

Brian Coughlin:	Recommend approval of SCD due to doctor stating due solely and lack of concrete evidence to support pre-existing condition.
Patricia Fitzgerald:	Deny
Carol Stukes-Baylor:	Approve

Case Summary:

This is an application submitted by Elsie McCloskey, former school crossing guard, for Service-Connected Disability benefits under Pension Plan "Y".

According to Ms. McCloskey, on April 23, 2008 while crossing the street she twisted her knee to avoid being struck by an approaching vehicle. Ms. McCloskey states that she heard something snap in her knee. On February 11, 2009 as she was avoiding an approaching vehicle her knee was injured.

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

The motion to approve carried 5-3.

NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that the Board trustee election schedule was sent out and the trustees should have received a copy.

The Workers compensation education seminar information has been reviewed by Mr. Magaldi, Mr. DiFusco, Ms. Berkowitz and Mr. Bielli. The next step will be to secure a date.

The Legislative subcommittee will be finalizing a meeting date within the next 30-60 days.

FYI

- a. **Litigation Summary** – Ms. Berkowitz stated that the Dailey case was stayed. Findings are due in State Court and the Law Department is waiting for an opinion from State Court on the Tepper case.

An Executive Session was held on Litigation issues.

Ronald Stagliano made a motion to adjourn. Brian Coughlin seconded the motion. The meeting adjourned at 9:35 AM.