

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of May 30, 2019**

MINUTES

On May 30, 2019, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:30 AM in the Board's Conference Room.

Present: Rob Dubow
Kellan White
Christopher Rupe
Leontyne Freeman
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
Sharolyn Murphy

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Bill Rubin – Board of Pensions
Shaheid Lloyd – Board of Pensions
Christopher DiFusco, Bernard Buckley – Investment Unit
Jim Cousounis, Tyrone Jordan – Investment Unit
Abdel-Aziz Ibrahimi - Investments
Brad Nyce, Bina Kumar– Nationwide
Kweku Obed – Marquette Assoc.
Jesus Jimenez – Marquette Assoc.
Will Greene – Loop Capital

Rob Dubow called the meeting to order and stated that the first order of business was the Consideration of the Minutes of April 25, 2019.

Ronald Stagliano made a motion to approve the Minutes of April 25, 2019. Christopher Rupe seconded the motion.

The motion to approve carried unanimously 7-0.

CONSIDERATION OF (108) PENSION APPLICATIONS AND (294) WITHDRAWAL APPLICATIONS

Veronica Pankey made a motion to approve. Christopher Rupe seconded the motion.

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Leonard Ginchereau Sr., Application for Service-Connected Disability Benefits - Plan B

This is an application submitted by Leonard Ginchereau Sr., former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Ginchereau, on June 24, 2016 while picking up boxes from a skid and placing them into the back of a police car he felt a pull or tear in his lower back.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion. The motion failed 2-5.

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

The motion to approve carried 5-2.

Case of Jesse Hartnett, Application for Service-Connected Disability Benefits - Plan B

This is an application submitted by Jesse Hartnett, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Hartnett on January 7, 2016, while operating his police vehicle he noticed an unknown male with a gun. He stopped his vehicle to investigate when the male approached his car and began shooting. Mr. Hartnett states that he ducked down, shielding his head with his left arm. The assailant shot about thirteen times and he sustained multiple injuries to his left arm.

Sharolyn Murphy made a motion to approve. Christopher Rupe seconded the motion.

The motion to approve carried unanimously 7-0.

Case of Stephanie Murphy-Berkery, Application for Service-Connected Disability Benefits - Plan B

This is an application submitted by Stephanie Murphy-Berkery, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Murphy-Berkery, on May 14, 2011 while stopped at a red light she was rear-ended by another vehicle sustaining injuries to her back and neck.

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

The motion to approve carried 5-2.

Ms. Freeman joined the meeting.

Case of Tamika Pizarro, Application for Service-Connected Disability Benefits - Plan "B"

This is an application submitted by Tamika Pizarro, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Pizarro, on June 18, 2012 while responding to an alarm and checking the location she slipped and fell on an uneven pavement injuring her ankle and lower back. On October 8, 2016 Ms. Pizarro states that as she was rising from her chair it overturned causing her to fall to the floor on her back.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion. The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

Case of Lawrence Powell Jr., Application for Service-Connected Disability Benefits - B

This is an application submitted by Lawrence Powell Jr., former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Powell, on September 24, 2013 while riding on routine patrol he received a radio call of person with a gun. Mr. Powell states while crossing the intersection he was struck by another vehicle causing injuries to his knee, shoulder, and head.

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

The motion to approve carried 5-3.

Case of Travis Wolfe, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Travis Wolfe, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Wolfe, on September 15, 2015 while attempting to make an arrest he was attacked by numerous individuals. Mr. Wolfe states that as he was placing the individual into the patrol wagon he felt a "pop" in his right wrist and extreme pain.

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

The motion to approve carried 5-3.

Case of Keith Miller, Application for Service-Connected Disability Benefits – Plan J

This is an application submitted by Keith Miller, former Street Crew Chief with the Streets Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Miller, on July 8, 2017 he injured his right shoulder and right side of his neck while handling a five-gallon cooler filled with ice and water. Mr. Miller further states that while exiting the cab of his truck his foot slipped off the top step and he instinctively grabbed the steering wheel to keep from hitting the ground.

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

The motion to approve carried 7-1.

Case of William Burrus, Application for Service-Connected Disability Benefits - Plan J

This is an application submitted by William Burrus, former Equipment Operator I with the Streets Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Burrus, sometime during 1991 or 1992 while working on a ditch he stepped into the hole, twisting his left ankle.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.
The motion failed 3-5.

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

The motion to approve carried 5-3.

Case of Kim Crawford, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Kim Crawford, former Correctional Officer with the Department of Corrections for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Crawford, on December 23, 2014 while using the back stairwell at the Philadelphia Prison Training Academy she fell down the stairs injuring her right wrist.

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

The motion to approve carried 7-1.

Case of Dominique Washington, Application for Service-Connected Disability Benefits - Plan Y

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

According to Mr. Washington on April 24, 2017, while riding on the side of the trash truck he lost his footing. He attempted to brace himself for the impact by covering his face with both hands. Mr. Washington gashed open the left side of his forehead, sustained a black eye, and broke his left hand because of the impact.

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

The motion to approve carried 7-1.

Case of Douglas L. Hatcher, Application for Service-Connected Disability Benefits - Plan A

This is an application submitted by Douglas Hatcher, former Firefighter for Service-Connected Disability benefits under Pension Plan “A”.

According to Mr. Hatcher, on December 14, 2014 while he and a partner were lifting a patient onto a stretcher he felt a “pop” in his lower back. He states that in the following hour and a half he began to feel a shooting, aching, tingling, and burning pain that radiated from his lower back to the top of his buttocks. He further states that the pain continued to radiate down the back of his left leg into his foot and big toe.

Brian Coughlin made a motion to approve. Carol Stukes-Baylor seconded the motion.

The motion to approve carried 7-1.

APPLICATION FOR SURVIVORSHIP BENEFITS AS MEDICALLY DEPENDENT ADULT CHILD

Case of Leon Green, Deceased, Application for Survivorship Benefits on Behalf of a Medically Dependent Adult Child Plan J

This is an application by Shannon L. Green, daughter of Leon Green, to receive Survivorship benefits as the Medically Dependent Adult Child (MDAC) under Plan J.

Leon Green, Semi-Skilled Laborer, died on September 14, 2018. He retired from the Recreation Department effective December 1, 2001.

Mr. Green chose Survivorship Option 4 when he retired. He named his brother, Ronald Green, as his primary survivor. Ronald Green predeceased Leon Green. Shannon Green's mother, Irene Green, passed away in 2011. Shannon L. Green's cousin, Dawn Hamilton, has been her Power of Attorney since Irene Green passed away.

If approved, Shannon L. Green would receive a monthly Survivorship benefit in the amount of \$686.04.

The Board reviewed the documents submitted on behalf of Shannon L. Green.

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

The motion to approve carried 7-1.

APPEAL OF PENSION CREDIT ELIGIBLE FOR PURCHASE WITH THE PHILADELPHIA SCHOOL DISTRICT

Case of Artur Isufi, Appeal of Pension Credit Eligible for Purchase of Prior Government Service with the School District of Philadelphia, Plan S16

On February 28, 2019 Artur Isufi's application for purchase of pension credit for prior government service was received. Also received on that date was the employment verification form which was completed by The School District of Philadelphia (SDP).

The SDP verified that he was a substitute teacher during the period of October 13, 2004 through June 30, 2009. The SDP also verified that he did not work full time, but instead was paid per diem for a total of 789 days.

The Board of Pensions calculates service credit using a 30-day month/360-day year. Using this formula 789 days equates to 2 years, 2 months and 9 days of credit.

On March 28, 2019, a quote for the purchase of 2 years, 2 months and 9 days of pension credit was mailed to Mr. Isufi.

On April 26, 2019, his appeal of the amount of pension credit eligible for purchase was received. On May 2, 2019, his appeal was administratively denied.

Artur Isufi's timely appeal was received on May 6, 2019.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.

The motion to deny carried unanimously 8-0.

PENSION DISQUALIFICATION

Case of John Green – Pension Disqualification, Plan L

John Green, former Philadelphia Sheriff, was first hired on May 5, 1969 as a Police Officer. He resigned January 2, 1987 as a Police Sergeant and was rehired on January 4, 1988 following his election to the Office of the Sheriff. He is a member of Plan L and has been receiving a monthly pension of \$8,464.77 since January 1, 2011. At the time of his separation, he had approximately 37 years and 15 days of credited service. He has exhausted his contributions, which totaled \$141,552.39.

Mr. Green pleaded guilty to Count 1 of a superseding indictment that charged him with conspiracy to commit honest services wire fraud and extortion under color of official right, in violation of 18 U.S.C. § 371, Plea Agreement p.2. As set forth in the plea agreement, appended hereto, Green agreed to plead guilty to conspiracy “arising from his agreement to participate in a complex bribery and kickback scheme ... over a nine-year period,” a scheme captured in the indictment through the predicate offenses of §§ 1346 and 1343, honest services fraud/wire fraud. Plea Agreement, 1. The indictment additionally charged co-conspirator James Davis. Mr. Davis and his company, Reach Communications Specialists provided services at inflated fees to the Office of the Sheriff, services that were never subject to bid. In exchange, Green received undisclosed campaign donations, a job for his wife, a home purchased and renovated and sold below cost, and a no-interest loan of \$258,000.00. Green also directed millions of dollars of proceeds of sheriff’s sales toward paying Davis and his business.

On May 22, 2019, Ellen Berkowitz, Senior Attorney, opined that Mr. Green’s crime triggered the disqualification provisions of the Philadelphia Retirement Code and that through his criminal conduct he had severed his entitlement to his pension.

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

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

Attached are the following:

1. Opinion from Ellen Berkowitz, Senior Attorney
2. Certified Record

Ronald Stagliano made a motion to approve the pension disqualification. Sharolyn Murphy seconded the motion.

The motion to approve the pension disqualification carried unanimously 8-0.

OLD BUSINESS

Case of Charles A. Hart, Deceased, Application for Survivorship Benefits – Plan J

This case was **denied** at the Board meeting held on January 24, 2019. A hearing panel was held on Wednesday, April 17, 2019.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Approve
Carol Stukes-Baylor:	Approve
Kellan White:	Approve

This is an application by Elma Hart for survivorship benefits in Plan J.

Charles A. Hart, a Gardener with Fairmount Park retired effective July 4, 1988. Mr. Hart died on September 14, 2018.

At the time of his retirement, Mr. Hart chose survivorship option 4. When Mr. Hart married Elma Washington on January 10, 1987, he made sure to update his Change of Beneficiary Designation form on January 15, 1987 naming his new wife, Elma Hart. Also submitted at the time was a copy of their marriage certificate as well as the death certificate for his late wife, Ruth Mae Hart.

Elma Hart is applying to have the Board of Pensions recognize her 31-year marriage with Mr. Hart.

The Board reviewed the documentation submitted by Mrs. Hart.

Ronald Stagliano made a motion to approve. Sharolyn Murphy seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Hagar Redmond, Application for Service-Connected Disability Benefits - Plan Y

This case was **denied** at the Board meeting held on May 24, 2018. A hearing panel was held on Wednesday, April 17, 2019.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Deny
Carol Stukes-Baylor:	Approve
Kellan White:	Approve

Case Summary:

This is an application submitted by Hagar Redmond, former Police Communications Dispatcher for Service-Connected Disability benefits under Plan "Y".

According to Ms. Redmond, on January 8, 2014 while walking to the restroom she rolled her ankle outward and fractured her foot.

Ronald Stagliano made a motion to approve. Kellan White seconded the motion.

The motion to approve carried 5-3.

NEW BUSINESS

Executive Director's Report – Mr. Bielli updated the Board on the following:

- PHDC– There is a possibility of PHDC being included to participate in the 457 Plan. Law has reviewed that, and it is permissible with an amendment to the Plan document and contract. It's being worked on now.
- The Revenue Offset letters have all gone out and has resulted in substantial compliance. The Revenue department has raised over \$1,000,000. The Board of Pensions is still working with Revenue on the details and will keep the Board posted on the process.
- Carol Stukes-Baylor was elected to the NCPERS Executive Board as Secretary. She is the first African American woman to be elected to the NCPERS Board and she represents our Pension Board very well. The Board congratulated Ms. Stukes-Baylor.

Ms. Stukes-Baylor thanked the Board, Investment and Pension staff and Ms. Pankey for their ongoing support. She stated that when she goes to the conferences our Board is ahead of the game and this is an honor for her.

Mr. Bielli stated that the Controller has mentioned before, in conjunction with the Law Department, exploring the possibility of having a scoresheet for non-investment RFP's that go out. He stated that we would like to set up a subcommittee consisting of someone from the Law Department and members of the Board to explore the pros and cons. An email will be sent shortly asking for volunteers.

Mr. Stagliano stated that it's always been an issue that the elected trustees do not have alternates. He would like to propose a motion that on the benefit side a trustee could vote by proxy at the meeting by filling out an agenda, signing it and submitting it for a situation like today.

Mr. Bielli stated that since there isn't a Law Department representative present at the meeting he proposed they submit to the lawyers: 1) is an additional designee possible and 2) is a proxy possible? He will refer the issue to Law and bring it back to the Board.

The Executive Session that was scheduled on the agenda will be postponed since Ms. Berkowitz is in Court today.

Ronald Stagliano made a motion to explore the issue of elected trustees being able to vote by proxy at the Board meetings. Kellan White seconded the motion.

The motion to explore the issue of elected trustees voting by proxy at Board meetings carried unanimously 8-0.

Business and Education Travel Authorization Request

- Koried Global Summit, July 10-12, 2019, Coral Gables, Florida

Veronica Pankey made a motion to approve anyone wishing to attend the Koried conference. Ronald Stagliano seconded the motion.

The motion to approve anyone wishing to attend the Koried Conference in Coral Gables, Florida from July 10-12, 2019 carried unanimously 8-0.

Ms. Stukes-Baylor stated she would like the Board to discuss with the Revenue department the issue of payments being cashed in a timely manner. She stated that it takes 15 days to process a payment and if the Board is going through with making people accountable for Revenue payments the City should also be accountable on their side and shouldn't leave checks uncashed.

Mr. Dubow said he would talk to Revenue.

- **Litigation Summary** – Ms. Berkowitz was scheduled in Court. A summary was distributed with the Board packets.

Ronald Stagliano made a motion to adjourn. Kellan White seconded the motion.

The meeting adjourned at 9:43 AM.