

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of July 23, 2015**

MINUTES

On July 23, 2015, 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
Carol Stukes-Baylor
Patricia Fitzgerald
Ronald Stagliano
Andrew Thomas
Veronica Pankey
James Leonard

Also Attending: Francis Bielli - Board of Pensions
Mark Murphy – One Philly Project
Jo Rosenberger Altman, Katharine Janoski, Ellen Berkowitz – Law Dept.
Brad Woolworth, Christopher DiFusco, Investment Unit
Dominique Cherry, Kristyn Bair, Aubrey Hassan – Investment Unit
Dan Falkowski, Lavonia Jenkins - Investment Unit
Matthew Mazza – Asst. Treasurer, City of Philadelphia
Mark Johnson, Steve Nesbitt- Cliffwater
Pam McCue – Financial Investment News
Jim Kane, Unite Here
Arnold West – GIA Partners
Will Green – Loop Capital
Randy McLaudin – ICMA-RC

Ms. Weiss stated that the first order of business was the consideration of the Minutes of June 25, 2015.

Brian Albert made a motion to approve the Minutes of May 27, 2015. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF (138) PENSION APPLICATIONS AND (151) 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 David Bickel, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Bickel, on or about December 29, 2010 he was attempting to arrest a suspect for robbery and became involved in an altercation in a crawl space of a house. The suspect kicked him in the shoulder and he felt a pop. After affecting the arrest his right arm went numb and he could not lift it.

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

The motion to approve carried unanimously 8-0.

Case of Ventura Caban Jr., Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Caban, on November 24, 2008 he was struck on his right hip by a moving vehicle. The vehicle dragged him for a short distance causing him to dislocate his left knee.

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

The motion to approve carried unanimously 8-0.

Case of Erica I. Graves, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Graves, on August 29, 2011 while placing equipment in her patrol vehicle she stepped back to close the door and fell striking her head, left knee, and wrist.

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

The motion to approve carried unanimously 8-0.

Case of William D. Jones, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Jones, on December 8, 2006 he was involved in a vehicular accident. Mr. Jones states that the direct impact was to the passenger side of the vehicle causing spinal injury, chest pain, and injury to his knees.

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

The motion to approve carried unanimously 8-0.

Case of Toni Wilson, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Wilson on April 14, 2003, while attempting to prepare a mentally disturbed female prisoner for transport a struggle ensued. Ms. Wilson states she struck her left knee against a metal bench while subduing the prisoner.

While responding to a radio call the same knee (left) was injured when Ms. Wilson tripped over an uneven pavement. COPA II report indicates January 4, 2005 as date of injury.

February 2, 2011 Ms. Wilson slipped on the ice, striking her head. Her chief complaints involve her left knee and head pain.

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

The motion to deny carried 4-0-4.

Case of Brian King, Application for Service-Connected Disability Benefits – Plan “D”

This is an application submitted by Brian King, former police officer for Service-Connected Disability benefits under Pension Plan “D”.

According to Mr. King, on August 21, 2013 he tackled a suspect injuring his right hand, wrist, elbow, and shoulder.

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

The motion to approve carried unanimously 8-0.

Case of Charles P. Marsden, Application for Service-Connected Disability Benefits – Plan “D”

This is an application submitted by Charles P. Marsden, former police sergeant for Service-Connected Disability benefits under Pension Plan “D”.

According to Mr. Marsden, on July 18, 2011 he was attempting to restrain a combative prisoner when his left arm was “forcefully” yanked during the struggle. He states that the prisoner struck him with his elbow in his face, collarbone, and lower neck.

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

The motion to deny carried 5-3.

Case of Allan D. Wirt, Administrative Application for Service-Connected Disability Benefits – Plan “J”

This is an **administrative** application submitted by Allan D. Wirt, former Prison trades worker for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Wirt, on November 3, 2011 he received an injury while working in an unlit tunnel beneath the House of Corrections. Mr. Wirt states that the retina of his left eye was detached and five (5) surgeries were performed in an attempt to correct the detachment. Mr. Wirt lost his left eye.

Carol Stukes-Baylor made a motion to deny. Ronald Stagliano seconded the motion. The motion failed 4-4.

William Rubin made a motion for reconsideration. Carol Stukes-Baylor seconded the motion. The motion for reconsideration carried unanimously 8-0.

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

The motion to deny carried 5-3.

Case of Harold W. Artis, Application for Service-Connected Disability Benefits – Plan “Y”

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

According to Mr. Artis on August 28, 2012, he stepped up on the curve to grab a recycling can when his foot slipped and twisted on the grass. Mr. Artis states that later tests revealed that he had tore two ligaments and fractured his left foot.

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

The motion to approve carried 5-3.

Case of Donna Hunter, Application for Service-Connected Disability Benefits Plan "Y"

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

According to Ms. Hunter, on November 2, 2011 while crossing students and teachers she was struck by a car and thrown about 25 feet. Ms. Hunter further states that following the impact she landed in a fetal position with multiple injuries.

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS AS COMMON LAW SPOUSE

Case of Adoniram Ulloa, Deceased, Application for Survivorship Benefits as Common-Law Spouse – Plan D

This is an application by Evelyn Ortiz-Ulloa for survivorship benefits in Plan D.

Adoniram Ulloa, a Police Officer with the Philadelphia Police Department retired April 22, 2000. Mr. Ulloa died on November 15, 2014. At the time of his retirement, Mr. Ulloa chose option 4 and named his daughter, Lisa-Marie Gonzalez as the survivor of his pension benefit.

Evelyn Ortiz-Ulloa is applying to have the Board of Pensions recognize her 25 year relationship with Mr. Ulloa as common law marriage.

The Board reviewed the letters and documents submitted by Ms. Ortiz-Ulloa.

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

The motion to deny carried unanimously 8-0.

Case of Michael Jones, Deceased, Application for Survivorship Benefits as Common Law Spouse – Plan J

This is an application by Cynthia Garrett-Jones for survivorship benefits in Plan J.

Michael Jones, an Equipment Operator II with the Streets Department retired effective May 7, 1997. Mr. Jones died on January 21, 2015. At the time of his retirement, Mr. Jones chose survivorship option 4 and named his two sons, Michael and Mitchell Jones as the survivors of his pension benefit.

Cynthia Garrett-Jones is applying to have the Board of Pensions recognize her 32 year relationship with Mr. Jones as a common law marriage.

The Board reviewed letters and documents submitted by Ms. Garrett-Jones.

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

The motion to deny carried unanimously 8-0.

Case of Anthony K. Moore, Request to Change Survivorship Option and Survivor – Plan J

This is a request by Anthony K. Moore to change his survivorship option and survivor.

Anthony K. Moore, a Social Work Services Manager for the Department of Human Services, was hired on August 19, 1987 and retired on an Ordinary Disability pension effective July 16, 2010. At the time of his retirement interview, Mr. Moore selected survivorship option 2 naming Veronica Moore, spouse, as his survivor.

On May 20, 2015 Mr. Moore wrote a letter to the Board of Pensions asking that his now ex-wife Veronica Moore not receive his pension. On June 1, 2015, Pension Program Administrator Stacey White administratively denied his request.

On June 15, 2015 Mr. Moore wrote a letter appealing the denial. This was postmarked June 16, 2015 but was returned by the post office to him. On July 3, 2015 he called the Board of Pensions about the returned letter. He resent it and it was received by the Board of Pensions July 8, 2015.

In neither letter does Mr. Moore say what option he would like to pick. In the appeal letter, he does mention that he wants his new wife, not his ex-wife to receive his benefits.

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

The motion to deny carried unanimously 8-0.

Case of Daniel T. Harte, Request to Rescind DROP Enrollment – Plan A

This is a request by Daniel T. Harte to rescind his DROP enrollment.

Daniel T. Harte, a Firefighter, was hired on December 31, 1993. On February 17, 2015 he applied for DROP choosing an entry date of May 25, 2015. On May 25, 2015 Mr. Harte wrote a letter to the Board of Pensions asking to rescind his enrollment in DROP. This request was administratively denied by Pension Program Administrator Stacey White on June 9, 2015. On July 5, 2015 Mr. Harte wrote a letter appealing the denial.

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

The motion to deny carried unanimously 8-0.

Case of Rafael Cordero – Pension Disqualification, Plan “B”

Rafael Cordero was hired on May 22, 1989 as an officer in the City of Philadelphia Police Department. He was terminated on August 1, 2012, after attaining 23 years, 2 months, and 8 days of credited service. He is receiving a pension benefit of \$ 2,432.49 per month.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Cordero from receiving a pension and provided documentation concerning Mr. Cordero’s conviction of two counts of obstruction of justice and two counts of making false statements in the course of a federal investigation. As set forth in the grand jury indictment, Mr. Cordero, who was an officer in the Criminal Intelligence Unit, insinuated himself into a joint DEA/FBI investigation of a drug trafficking organization that involved his half-brother, providing critical information about the progress of the investigation to his brother and withholding information from the investigation that would protect his brother and conceal his involvement.

On July 13, 2015, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Cordero’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. Cordero should be permanently disqualified from pension eligibility and his benefits terminated.

William Rubin made a motion to approve the permanent disqualification from pension eligibility and termination of pension benefits. Brian Albert seconded the motion.

The motion to approve the permanent disqualification of pension eligibility and termination of pension benefits carried unanimously 8-0.

Case of Calvin Duncan – Pension Disqualification, Plan “J”

Calvin Duncan was hired on May 23, 1988 as a semi-skilled laborer in the Philadelphia Water Department (PWD). He retired through DROP on January 20, 2012, after attaining 22 years, 7 months, and 29 days of credited service. He was receiving a pension benefit of \$ 1,629.42 per month through May.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Duncan from receiving a pension and provided documentation concerning Mr. Duncan’s guilty plea to five counts of mail fraud. As set forth in the grand jury indictment, Mr. Duncan used his position to order through and bill to PWD over \$1 million dollars in printer ink and toner cartridges, which he resold to his co-defendants, netting himself over \$500,000 in profits from the sale of City property.

On July 13, 2015, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Duncan’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. Duncan should be permanently disqualified from pension eligibility and his benefits terminated.

William Rubin made a motion to approve the permanent disqualification from pension eligibility and termination of pension benefits. Brian Albert seconded the motion.

The motion to approve the permanent disqualification of pension eligibility and termination of pension benefits carried unanimously 8-0.

Case of William Hird – Pension Disqualification, Plan “Y”

William Hird was hired on August 1, 1987, as a tipstaff with the City of Philadelphia Traffic Court. He retired on November 17, 2011 as Director of Records and Court Administrator, after attaining 14 years, 3 months, and 16 days of credited service. He is receiving a pension benefit of \$1930.98 per month.

Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Hird from receiving a pension and provided documentation concerning Mr. Hird’s guilty pleas to eighteen counts of conspiracy, wire fraud, mail fraud, and providing false information to the FBI, all in connection with the ticket-fixing scandal in Philadelphia Traffic Court. As set forth in the grand jury indictment, Mr. Hird facilitated the practice of “ticket-fixing” at Philadelphia Traffic Court

by arranging for cases targeted for “consideration” to be directed to judges who were part of the conspiracy, communicating with interested parties, and sending out confirmation reports after a ticket had been “fixed.”

On July 13, 2015, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Hird’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. Hird should be permanently disqualified from pension eligibility and his benefits terminated.

William Rubin made a motion to approve the permanent disqualification from pension eligibility and termination of pension benefits. Brian Albert seconded the motion.

The motion to approve the permanent disqualification of pension eligibility and termination of pension benefits carried unanimously 8-0.

OLD BUSINESS

Case of Sara Payne, Application for Service-Connected Disability Benefits Plan “J”

This case was **tabled** at the February 26, 2015 Board meeting at the request of Trustee Carol Stukes-Baylor for further clarification of Dr. Guagliardo’s determination. A revised report from Dr. Guagliardo is attached.

This case was **tabled** at the April 30, 2015 Board meeting for clarification of Dr. Knox’s report. An amended report was received June 24, 2015 and is attached.

Case Summary:

This is an application submitted by Sara Payne, former Equipment Operator, Streets Department, for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Payne on March 1, 2011 she was getting out of a broken chair and twisted her knee. She reports that she was not able to stand.

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

The motion to approve carried unanimously 8-0.

Case of Michael Hrynko, Application to Change named person under Survivorship Option 2 – Plan J

This case was denied at the Board meeting held on December 4, 2014. A hearing panel was held on February 11, 2015.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.:	Approve
Ronald Stagliano:	Approve the application
Andrew Thomas:	Approve – conflict of interest of power of attorney

Case Summary

This is an application by Michael Hrynko, former Correctional Officer from Prisons Department requesting to change his designated survivor under option 2 from his then fiance' Kia Moody to his son, Michael Hrynko, Jr.

Mr. Hrynko submitted a letter requesting to change his survivor from Ms. Moody to his son Michael Hrynko, Jr. since his relationship with Ms. Moody terminated. Mr. Hrynko's request was administratively denied and he submitted a request to appeal the administrative denial.

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

The motion to approve carried unanimously 8-0.

Case of Brian MacTough, Request to Apply for Service-Connected Disability Benefits Beyond One Year Deadline – Plan J

This case was **denied** at the June 26, 2014 Board meeting. A hearing panel was held on January 14, 2015.

The hearing panel recommendations are as follows:

James P. Leonard, Esq.:	Denied
Ronald Stagliano:	Deny the application
Brian Albert:	Denied – Attorney failed to represent his client adequately by researching requirements

Case Summary:

This is a request by Brian MacTough, former Water Department Maintenance Coordinator to make application for Service-Connected Disability benefits Beyond the One-Year Deadline in Plan J.

Brian MacTough was separated from a Leave of Absence effective August 11, 2010.

In a letter dated June 5, 2014, Brian MacTough explained that he is appealing the denial of his application for a Service Connected Disability. He states he was not aware such a pension benefit existed at the time of his separation. He states that he was informed of it via an email from the City of Philadelphia's Workers' Compensation insurance carrier, Comp Services, to his lawyer. Once aware, he applied for a Service-Connected Disability and was denied because it was past the one year deadline. Therefore, he is requesting the Board to approve his application to apply for Service-Connected Disability beyond the one-year deadline.

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

The motion to deny carried 6-0-2.

Case of Milton Washington, Application for Service Connected Disability Benefits Beyond the One Year Deadline – Plan Y

This case was **denied** at the Board meeting on June 3, 2014. A hearing panel was held on January 14, 2015.

The hearing panel recommendations are as follows:

James P. Leonard, Esq.	Denied
Ronald Stagliano:	Deny the application
Brian Albert:	Denied – past the one year deadline

Case Summary:

This is a request by Milton Washington, former Laborer for the Streets Department, to make application for Service Connected Disability benefits beyond the one year deadline.

Mr. Washington was separated effective April 11, 2007. He made application for Service Connected Disability benefits on October 30, 2013.

Staff forwarded a letter of Administrative denial dated May 1, 2014 to Mr. Washington. The letter cited section 22-309(a) of the Pension Code, which refers to the 1-year time limit from date of separation for applying for Disability retirement benefits.

Mr. Washington forwarded a letter to Executive Director Francis X. Bielli dated May 5, 2014 appealing his denial and requesting a hearing on his issue.

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

The motion to deny carried 6-0-2.

NEW BUSINESS

- Executive Director's Report – Mr. Bielli stated that the State Audit exit meeting was scheduled but postponed by the State and should be re-scheduled soon.
- The GASB 68 kick-off meeting was held on June 22, 2015 with the City accountants, auditor and actuary.
- The Executive Session listed on the agenda will be held later in the Investment meeting.
- The Business and Education Travel Report for the 2nd Quarter, 2015 for trustees and staff was available in the Board's folders.
- Medical Panel Specialists for FY 2016 – William Rubin made a motion to approve the Medical Panel Specialists. Brian Albert seconded the motion.

The motion to approve the Medical Panel Specialists for FY 2016 carried unanimously 8-0.

FYI

- a. **Litigation Summary** – Ms. Berkowitz stated there are three cases in Common Pleas Court. Derrick Riley (Appl. for SCD) was added after the Litigation Summary was submitted. Avery v. BOP (Appl. for SCD) was remanded to the Board for determination of relevance and availability of extra-record evidence. A motion for Extraordinary Relief filed July 6, 2015 is pending in the Tepper case (Pension Disqualification).

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

The meeting adjourned at 9:25 AM.