

**TOWN OF LADY LAKE POLICE OFFICERS' RETIREMENT FUND
PENSION BOARD OF TRUSTEES
INITIAL DISABILITY HEARING MEETING MINUTES
Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, FL 32159**

Monday, August 26, 2019, at 11:00AM

TRUSTEES PRESENT: Leonard Cieciek
William Farley
John Schmied
Butch Perdue
Nelson Vargas

TRUSTEES ABSENT: None

OTHERS PRESENT: Kevin Stone, Stone & Gerken, P.A.
Shane Barrett, Claimant
Ferrell Jenne, Foster & Foster
Siera Feketa, Foster & Foster
Members of the Public

1. **Call to Order** – Kevin Stone called the meeting to order at 11:00AM.
2. **Roll Call** – As reflected above.
 - a. Election of officers
 - i. Kevin Stone suggested an amendment to the agenda to have an election of officers as the board does not currently have a chairman or secretary.
 - ii. William Farley commented the Chairman should be a member of the department.

The board voted to elect Butch Perdue as Chairman, upon motion by Nelson Vargas and second by Leonard Cieciek; motion carried 5-0.

The board voted to elect Nelson Vargas as Secretary, upon motion by Butch Perdue and second by Leonard Cieciek; motion carried 5-0.

3. **Public Comments** – None.
4. **New Business**
 - a. Shane Barrett – Initial Disability Hearing
 - i. Kevin Stone reviewed the initial disability hearing process. Kevin gave a brief overview of the determinations the board would have to make, whether the disability was total and permanent, and whether the disability was in line of duty (ILOD). Kevin commented if the board agreed the disability was total, permanent, and ILOD the board could approve the disability application of the member.
 - ii. Kevin Stone reviewed the initial disability hearing commenting the board was to rely solely on the documents provided to them for the initial disability hearing and no other outside information should be used in their decision. The board agreed to not apply any information regarding the disability that was not provided for the initial disability hearing.
 - iii. Kevin Stone reviewed the documents provided in the disability binder commenting under Florida law and the plan's ordinance, no disability could be approved without an Independent Medical Examination (IME). Kevin Stone commented it took a long time to get the medical information.
 - iv. Kevin Stone reviewed the other information that would and would not be presented, commenting the claimant would have a fifteen-minutes to address the board, as provided for in the plan's policies and procedures. Kevin commented if the disability was denied the claimant could request a full hearing that would provide further information such as testimony and witnesses.

- v. Kevin Stone commented after reviewing the records and hearing presentations, the board will need to make a finding as to whether the claimant is totally disabled, if the disability is permanent, and whether it was ILOD. Kevin added if the answer to any of those questions was no, the board would need to provide a reason to the claimant so the claimant could come prepared to satisfy those questions at a later date.
- vi. Kevin Stone commented this was a quasi-judicial hearing and the claimant's presentation should be done under oath. Kevin swore in Shane Barrett before making his presentation.
- vii. Shane Barrett gave an overview of his employment history and injuries.
- viii. Kevin Stone reviewed all the exceptions. Shane Barrett answered no to all the exceptions.
- ix. Kevin reviewed the injuries of Mr. Barrett prior to employment commenting the aggravation of a pre-existing condition could qualify someone for a disability retirement.
- x. The board had no questions.
- xi. Leonard Cieciek asked Mr. Barrett if Dr. Robertson performed his surgeries. Shane Barrett reviewed the surgeries Dr. Robinson performed on him.
- xii. William Farley commented he was a retired police officer from New York and reviewed his personal situation as someone who collects a disability retirement. William commented he agreed with the Chairman to grant Mr. Barrett approval of his disability application.

The board approved the finding that the disability was total, upon motion by Butch Perdue and second by Leonard Cieciek; motion carried 5-0.

The board approved the finding that the disability was permanent, upon motion by Leonard Cieciek and second by Butch Perdue; motion carried 5-0.

The board approved the finding that the disability was in line of duty (ILOD), upon motion by John Schmied and second by Leonard Cieciek; motion carried 5-0.

- xiii. Kevin Stone commented the board should not discuss this matter after the meeting as provided for under the sunshine law and reviewed the public records requirements of the disability documents. Kevin commented placing this claim in a public meeting made it public record, but they do everything they can to keep the claimant's information confidential.

- b. Ferrell Jenne commented they would need the trustees to sign an updated authorization signature list for Salem Trust, a memo to the vendors informing them of the change in administrator, and the Administrative Services agreement. Ferrell commented the board could continue to require two signatures or one signature and allow the plan administrators to handle everything between meetings. The board agreed by consensus to continue to have two signatures.

5. **Adjournment** – The meeting adjourned at 11:34AM.

6. **Next Meeting** – September 11, 2019 at 1:30PM, Quarterly Meeting