

**MINUTES OF PUBLIC MEETING  
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD  
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Tuesday, June 7, 2016, at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

**Board Members Present in Conference Room 109:**

Kevin Kluge, Chair; Mark Smalley; Rob Lubitz

**Board Members Attending via Conference Call:**

Danna Quinn

**Board Members Absent:**

Jason Hathcock

**Also Present:**

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Board Attorney; Ottmar & Associates, Court Reporter; Monique R. Usher, Disability Applicant #16-01 (via conference call)

**Call to Order:**

**Approval of the Minutes:**

May 3, 2016 – Public Meeting Minutes

**MOTION: A motion to approve the public meeting minutes of the May 3, 2016 meeting was made by R. Lubitz.** Motion was seconded and passed unanimously; minutes stand approved.  
**CORP 2016-30**

**Consideration of Disability Application #16-01 – Annual Review:**

The Board received Application #16-01 for Total and Permanent Disability benefits from Monique R. Usher on April 29, 2016. The applicant was a Surveillance Officer in Pinal County. Pinal County Human Resources confirmed that the applicant has terminated employment. The applicant identified the disabling condition as “PTSD from incidents that occurred on duty, out in the field during contacts.” The applicant was notified via certified letter that the Board would consider the application at this meeting and of her right to attend. Ms. Usher was in attendance via conference call.

The Board Secretary advised that the applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting. The applicant also provided treatment records and reports of medical findings from some of the providers listed in her application

Since the application referred to “incidents in the field on duty,” documentation of the incidents submitted by Ms. Usher in connection with her earlier, withdrawn application for Ordinary Disability benefits were provided for the Board’s review in light of the criteria for Total and Permanent Disability benefits per A.R.S. §38-881.46.

The medical records collected by the Board earlier this year from the providers listed on the application for Total and Permanent Disability were also provided. These records were collected in connection with her earlier, withdrawn application for Ordinary Disability benefits.

Ms. Usher submitted copies of the psychological evaluation conducted by Dr. John Beck and the psychiatric Independent Medical Evaluation conducted by Dr. Prince in connection with her withdrawn application for Ordinary Disability benefits, in support of Application #16-01 for Total and Permanent Disability benefits. She also submitted a record from an appointment on November 5, 2015, with Dr. Richard Burton with Redemption Psychiatry, with Application #16-01.

Workers’ Compensation records were not collected by the Board in connection with Ms. Usher’s earlier, withdrawn application for Ordinary Disability benefits because Ordinary Disability is not job-related. Staff recommended that the Board now consider obtaining Workers’ Compensation records.

The Board Secretary also advised that the applicant’s physical exam dated December 21, 2011, identifies “White Coat” hypertension as a pre-existing condition.

The Chair acknowledged that Ms. Usher was in attendance at the meeting via conference call.

The Chair asked whether any Board members wished to enter Executive Session to receive legal advice.

**MOTION: A motion to enter Executive Session to receive legal advice was made by R. Lubitz at 10:05 a.m.** Motion was seconded and passed unanimously. **CORP 2016-31**

Ms. Usher was asked to hang up and call back into the meeting at 10:25 a.m., which she did.

**MOTION: A motion to return to open session was made by R. Lubitz at 10:18 a.m.** Motion was seconded and passed unanimously. **CORP 2016-32**

**Acknowledgment of CORP Physical Pre-Existing Conditions – Taken Out of Order:**

The Chair noted, for the record, that the physical examination report for member Viky Mares-Zamorano identified one or more pre-existing conditions. The Board approved this officer for CORP membership at the April 5, 2016 meeting. Her physical examination report was received after a 60-day notice was sent to her.

**Acknowledgement of CORP Physical Exam Final Letters – Taken Out of Order:**

The Chair noted, for the record, that physical examination reports for Daniel J. Lopez and Emery D. Meeks were not received within 60 days of receipt of their membership applications and that final letters requesting an examination were sent to these members via certified mail on May 24, 2016.

**Approval of Membership – Taken Out of Order:**

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Corona, Raquel	Yavapai	1/31/2016
Cuen, Orlando	Yuma	5/2/2016
Diaz, Jesarim	Maricopa	5/9/2016
Hartwell, Christopher	Yavapai	3/27/2016
Hoyos, Kira	Pinal	3/14/2016
Iniguez III, Edward	Pima	9/28/2015
Johnson, Evander	Yuma	4/25/2016
Lee, Derrick	Yavapai	1/31/2016
Lizarraga Gomez, Rosalba	Yuma	3/21/2016
Lopez, Daniel	Cochise	3/7/2016
Meeks, Emery	Yavapai	3/13/2016
Merrill-Halley, Spring	Pinal	3/14/2016
Montez, Joseph	Greenlee	4/29/2016
Perez, Maria	Yuma	4/25/2016
Salazar, Alejandra	Maricopa	4/25/2016
Shaffer-Smith, Elizabeth	Maricopa	4/11/2016
Valdez, Barbara	Maricopa	4/11/2016

**MOTION: A motion to approve the 17 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. § 38-893.D and to note for the record that the physical examinations for Christopher Hartwell, Edward Iniguez III, and Derrick Lee identified a physical or mental condition or injury that existed or occurred before the member’s date of membership in the plan, was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2016-33**

**Consideration of Disability Application #16-01 – Annual Review (Continued in Public Session):**

Ms. Usher rejoined the meeting via conference call at 10:25 a.m.

The Chair asked if the Board would again like to use Dr. Prince as the evaluating doctor. The Board agreed that they saw no issues with referring the case to Dr. Prince.

The Chair stated to Ms. Usher that the Board only had two incident reports on file and asked if she had any other incident reports that the Board should obtain. Ms. Usher stated that no other incidents had been reported. The Chair also asked if Ms. Usher had sought any treatment for her disabling condition since November 2015. Ms. Usher stated that since she has been denied for Workers' Compensation, ACCESS twice and has no income to afford the \$300 per month treatment, she has not sought any treatment since November of 2015.

The Chair asked Ms. Usher if the Board could obtain the Workers' Compensation records. Ms. Usher stated that she only has a denial letter. The Chair asked the Board Attorney if there would be any records other than the denial letter. The Board Attorney stated that the employer may have some records that the Board Secretary can obtain. The Board Secretary stated that she would contact Pinal County to obtain those records for Board review.

Board Member Mark Smalley asked Ms. Usher if she had ever been treated for PTSD for any other issues not related to the employment incidents. Ms. Usher responded that she had not received such treatment.

The Board had no further questions for Ms. Usher.

**MOTION: A motion to obtain Workers' Compensation records from Pinal County and refer Applicant #16-01 for an updated evaluation for Total and Permanent Disability upon receipt of all Workers' Compensation records was made by R. Lubitz.**

Board Member Mark Smalley asked if the motion should be amended to include Dr. Prince as the evaluating doctor.

**AMENDED MOTION: A motion to obtain Workers' Compensation records related to the identified incidents, and refer Applicant #16-01 for an updated evaluation to be performed by Dr. Prince, for Total and Permanent Disability upon receipt of all Workers' Compensation records was made by R. Lubitz.**

The Board Secretary asked to clarify that the Board wished for Dr. Prince to determine in his discretion whether he can answer the Total and Permanent Disability questions after he reviews the incident reports and Workers' Compensation records, or whether he should conduct a full Independent Medical Evaluation. The Board confirmed that was the intent of the motion.

After discussion, the motion was seconded and passed unanimously. **CORP 2016-34**

**Approval of Normal Retirement Benefits:**

The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

Debra L. Adamson  
Edna M. Amodei  
Deneen Bertucci  
Lynne Y. Carpenter

Julie A. George-Klein  
Angela L. Hollie  
William J. King  
David P. Lopez  
Harold E. Mongovan  
Kathryn L. Moruzzi  
Gina Peterson-Brodmerkel  
Thomas C. Riley  
David R. Servilican  
Gary S. Streeter  
Sylvia A. Tellez  
Carol L. Tucker

**MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective June 1, 2016, except as indicated, was made by D. Quinn. Motion was seconded and passed unanimously. CORP 2016-35**

Debra L. Adamson:	\$3,355.12; Reverse DROP Estimate: \$208,550.12
Edna M. Amodei:	\$2,551.51
Deneen Bertucci:	\$4,327.52; Reverse DROP Estimate: \$39,174.73
Lynne Y. Carpenter:	\$2,233.10
Julie A. George-Klein:	\$5,207.62
Angela L. Hollie:	\$3,463.07; Reverse DROP Estimate: \$45,398.56
William J. King:	\$4,323.19; Reverse DROP Estimate: \$8,660.22
David P. Lopez:	\$2,324.49; Reverse DROP Estimate: \$83,223.42
Harold E. Mongovan:	\$2,080.50
Kathryn L. Moruzzi:	\$3,545.80; Reverse DROP Estimate: \$130,660.20
Gina Peterson-Brodmerkel:	\$3,000.65
Thomas C. Riley:	\$3,470.19; Reverse DROP Estimate: \$45,498.55; effective May 1, 2016
David R. Servilican:	\$3,963.27; Reverse DROP Estimate: \$246,352.06
Gary S. Streeter:	\$4,790.50
Sylvia A. Tellez:	\$2,951.79; Reverse DROP Estimate: \$35,696.05
Carol L. Tucker:	\$3,537.47; Reverse DROP Estimate: \$7,086.27

**Status Update – Legislation Affecting CORP:**

The Board Secretary advised that HB 2074, addressing officer participation in the cancer insurance program, was signed by the Governor on May 11, 2016.

The Board Secretary also advised that staff in Pima County asked whether the Board would be sending an update to all counties about the passage of HR2074, as well as the bill that authorized extension of the Reverse DROP. The Board Secretary sought Board direction on distribution of an update on these bills.

The Chair directed the Board Secretary to send a request to Kathy Waters, Adult Services Division Director, and Joseph Kelroy, Juvenile Justice Services Division Director, to ask that they distribute the legislative update information to the Probation Chiefs and Directors.

**Future Agenda Items:**

At the Board's May 3, 2016 meeting, Board Member Rob Lubitz asked if it would be possible for the Board to develop a practice or policy for reviewing disability cases. He also stated that he would be interested to learn how other boards determine how frequently to review their disability cases.

The Board Secretary advised that she was in the process of researching this information.

**Call to the Public:**

No members of the public addressed the Board.

The meeting was adjourned at 10:41 a.m.

Transcribed June 7, 2016