

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

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, April 4, 2023, at 10:00 a.m., via Zoom, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

**Board Members Present by Conference/Video Call:** Kevin Kluge (Chair); Jason Hathcock; Jennifer Fish; Scott Mabery; Mark Smalley

**Board Members Absent:**

**Also Present:** Christopher Lemke, Local Board Secretary (video call); Sierra Stowell, Recorder (video call); Liana Garcia (video call); Yvonne Wong (video call)

**Call to Order:**

**Approval of Minutes:**

March 7, 2023 – Public Meeting Minutes

**MOTION: Mark Smalley moved to approve the public meeting minutes of the March 7, 2023, meeting.** The motion was seconded and passed unanimously. The minutes stand approved.  
**CORP 2023-14**

**Legislative Update:**

During the March 7, 2023, CORP Local Board meeting, the Chair requested that Liana Garcia, Government Affairs Director for the Administrative Office of the Courts (AOC), attend future meetings to provide updates on CORP-related 2023 legislation. Ms. Garcia provided a status update on the following Bills and answered questions proposed to her by the Board:

House Bills:

HB2015, HB2027, HB2028, HB2430, HB2433, HB2471, HB2570, and HB2640

Senate Bills:

SB1173, SB1500, and SB1523

The Chair asked Ms. Garcia if the Legislature would address CORP unfunded liability during state budget negotiations, despite the failure of proposed bills associated with CORP's unfunded liability. Ms. Garcia responded that she could not guarantee this but did advise that there is a possibility the Legislature may discuss the unfunded liability toward the end of the legislative session during budget negotiations.

**Notice of Retiree Return to Work – Donna Greene:**

The Board received a Notice of Retiree Return to Work from Pima County Superior Court for Donna Greene, indicating that Ms. Greene retired from the Pima County Probation Department effective June 1, 2019. She had since accepted an employment offer with the Pima County Superior Court and returned to work on January 23, 2023, in a CORP-designated position as an Adult Probation Officer.

Copies of A.R.S. § 38-884.N-O., § 38-891.01, and Ms. Greene's current job description were provided to the Board.

The Board Secretary noted that Ms. Greene returned to work in a CORP-designated position (Adult Probation Officer) more than six months after retirement, so it appeared that she may continue receiving her CORP pension. The Board Secretary added that since Ms. Greene holds a CORP-designated position, her employer is responsible for paying the CORP alternate contribution rate on her behalf.

**MOTION: Jason Hathcock motioned that the Board received the Notice of Retiree Return to Work for Donna Greene and found that (1) Ms. Greene is eligible to continue to receive a CORP pension and that (2) Ms. Greene's employer, Pima County Superior Court, is responsible for paying the CORP alternate contribution rate on her behalf.** The motion was seconded and passed unanimously. **CORP 2023-15**

#### **Notice of Retiree Return to Work – Larry Harrison:**

The Board received a Notice of Retiree Return to Work from Maricopa County Superior Court for Larry Harrison, indicating that Mr. Harrison retired from the Arizona Department of Corrections effective December 1, 2022. He had since accepted an employment offer with the Maricopa County Superior Court and returned to work on March 6, 2023, in a non-CORP-designated position as a Judicial Branch Security Officer.

Copies of A.R.S. § 38-884.N-O. and Mr. Harrison's current job description were provided to the Board.

The Board Secretary noted that Mr. Harrison appeared to be eligible to continue to receive a CORP pension because he returned to work in a non-CORP-designated position after retirement.

Mr. Hathcock inquired whether this Board was required to notify the CORP Local Board for the Department of Corrections since Mr. Harrison had not retired from this employer. The Chair questioned what this Board decided during the March 7, 2023, meeting regarding notifying the CORP Local Board of an employer from which a member retired from when the retiree returned to work for the Arizona State Judiciary. The Board Secretary responded that it was his understanding this Board decided it was unnecessary because, historically, the Local Boards of other employers had not responded to past notices.

The Chair determined that if a CORP retiree returns to work for the Arizona State Judiciary in a CORP-designated position but retired from a different employer, then Board Staff must notify the retiree's previous Local Board.

**MOTION: Scott Mabery motioned that the Board received the Notice of Retiree Return to Work for Larry Harrison and found that (1) Mr. Harrison is eligible to continue to receive a CORP pension and that (2) Mr. Harrison's employer, Maricopa County Superior Court, is not responsible for paying the CORP alternate contribution rate on his behalf since he returned to work in a non-CORP-designated position.** The motion was seconded and passed unanimously. **CORP 2023-16**

**Notice of Retiree Return to Work – Douglas Santiago:**

The Board received a Notice of Retiree Return to Work from Cochise County Superior Court for Douglas Santiago, indicating that Mr. Santiago retired from the Arizona Department of Corrections effective June 1, 2022. He had since accepted an employment offer with the Cochise County Superior Court and returned to work on December 11, 2022, in a CORP-designated position as a Juvenile Probation Officer.

Copies of A.R.S. § 38-884.N-O., § 38-891.01, and Mr. Santiago's current job description were provided to the Board.

The Board Secretary noted that Mr. Santiago returned to work in a CORP-designated position (Juvenile Probation Officer) more than six months after retirement, so it appeared that he may continue receiving his CORP pension. The Board Secretary added that since Mr. Santiago holds a CORP-designated position, his employer is responsible for paying the CORP alternate contribution rate on his behalf.

Mr. Hathcock asked if Public Safety has a process to collect owed ACR payments from employers in instances where the County did not provide the Board with timely notice of a retiree's return to work. Board Staff replied that, in this instance, Cochise County was in contact with PSPRS and that it was Staff's understanding that PSPRS would work with the County to collect any missing contributions after submission of the approved minutes from this meeting to PSPRS.

The Chair requested that Board Staff notify the CORP Local Board for the Department of Corrections of Mr. Santiago's return to work in a CORP-designated position.

**MOTION: Jennifer Fish motioned that the Board received the Notice of Retiree Return to Work for Douglas Santiago and found that (1) Mr. Santiago is eligible to continue to receive a CORP pension and that (2) Mr. Santiago's employer, Cochise County Superior Court, is responsible for paying the CORP alternate contribution rate on his behalf.** The motion was seconded and passed unanimously. **CORP 2023-17**

**Notice of Retiree Return to Work – Edward Federico:**

The Board received a Notice of Retiree Return to Work from Pima County Juvenile Court for Edward Federico, indicating that Mr. Federico retired from Pima County Juvenile Court effective September 1, 2013. He had since accepted an employment offer with the Pima County Juvenile Court and returned to work on March 27, 2022, in a CORP-designated position as a Juvenile Probation Officer.

Copies of A.R.S. § 38-884.N-O., § 38-891.01, and Mr. Federico’s current job description were provided to the Board.

The Board Secretary noted that Mr. Federico returned to work in a CORP-designated position (Juvenile Probation Officer) more than six months after retirement, so it appeared that he may continue receiving his CORP pension. The Board Secretary added that since Mr. Federico holds a CORP-designated position, his employer is responsible for paying the CORP alternate contribution rate on his behalf.

Mr. Hathcock noted that the Board had received the Notice of Retiree Return to Work a year after the retiree had returned to work. The Board Secretary commented that during the facilitation of the Board Member election, Mr. Federico was identified as a retiree who returned to work, prompting Board Staff to work with the County to have this matter brought before the Board.

**MOTION: Mark Smalley motioned that the Board received the Notice of Retiree Return to Work for Edward Federico and found that (1) Mr. Federico is eligible to continue to receive a CORP pension and that (2) Mr. Federico’s employer, Pima County Juvenile Court, is responsible for paying the CORP alternate contribution rate on his behalf.** The motion was seconded and passed unanimously. **CORP 2023-18**

**Approval of Membership:**

The Local Board voted on the approval of the following requests for membership:

Katherine Schneider	Maricopa	2/26/2023
Caitlin Donohue	Maricopa	2/26/2023
Marilyn Castro	Maricopa	2/26/2023
Desirae James	Maricopa	2/26/2023
Katharine Schickel	Maricopa	3/5/2023
Matthew Cruz	Maricopa	3/5/2023
Carrie Lemoine	Maricopa	3/6/2023
Raychelle Salter	Maricopa	3/12/2023
Trishann Hayes	Maricopa	3/12/2023
Tracy Honani	Navajo	3/19/2023
Lawrence DeVoto	Pima	3/5/2023
Annely Garcia	Santa Cruz	2/26/2023
Ashley Anderson	Yavapai	3/5/2023
Francisco Gutierrez	Yuma	3/12/2023

**MOTION: Jennifer Fish moved to approve the 14 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 Katherine Schneider, Caitlin Donohue, Katharine Schickel, Carrie Lemoine, and Lawrence DeVoto identified a physical or mental condition or injury that existed or occurred before their dates of membership in the plan.** The motion was seconded and passed unanimously. **CORP 2023-19**

**2023 CORP Electronic Election Update:**

In the December 6, 2022, Board meeting, the Chair requested that the Board Secretary provide monthly updates on the CORP Electronic Election. The Board Secretary reported:

On March 16, 2023, the deadline to submit election nominations was reached. During the week of March 20, 2023, Board Staff contacted the nominees to determine if they wished to be included on the upcoming voting ballot to be issued on April 17, 2023. Thirty-seven nominations for nineteen nominees were received, and at the time of the meeting:

- Nine nominees confirmed their interest in being placed on the voting ballot
- Ten nominees declined to participate

In comparison, the Board's 2021 election yielded twenty-six nominations for six nominees, with which:

- Four nominees confirmed their interest in being placed on the voting ballot
- Two nominees did not respond to Board Staff's outreach attempts

### **CORP Electronic Recording Certificates of Destruction:**

CORP Certificates of Records Destruction were approved by the Board Chair, Board Member Jason Hathcock, and the Board Secretary for the destruction of Board meeting recordings in accordance with the CORP Local Board for the Judiciary Rules of Local Board Procedure Section C.(6)(e).

Section C.(6)(e):

I. For Meetings at which no disability claims have been considered, such electronic recordings shall be maintained for ninety (90) days after the Minutes have been submitted to the Board of Trustees.

II. For Meetings at which a disability claim was considered, such electronic recordings shall be maintained until the Claimant reaches his or her normal retirement date.

III. The Secretary may destroy the electronic recording of a Local Board Meeting after the period in Section C(6)(e)(1) or (2) expires. The Secretary will prepare and retain a certificate of destruction when any electronic recordings are destroyed.

Board Staff destroyed electronic recordings for the following meeting dates where the Board did not consider a disability application:

- 07/05/2022; 08/02/2022; 09/06/2022; 10/04/2022; 11/01/2022; 12/06/2022

### **Board Attorney Contract Review:**

The current contract with the Board's legal services provider, Ryan Rapp Pacheco & Kelley, terminates on June 30, 2023.

In the March 7, 2023, Board meeting, the Chair requested that the Board Secretary preliminarily interview two attorneys under consideration to assist the Board in determining a new legal services provider. The Board Secretary's interview findings were provided to the Board for review.

**Attorneys Under Consideration:**

Goering, Roberts, Rubin, Borgna, Enos & Treadwell-Rubin, P.C

Attorney: Andrew Apodaca

Rate: \$225 an hour

Law Office of Nicolas J. Cornelius, PLLC

Attorney: Nicolas Cornelius

Rate: \$275 an hour

The Board Secretary noted that Mr. Apodaca contacted him and confirmed his firm meets the contract insurance requirements but that Mr. Cornelius was still working to confirm the details of his insurance coverage.

Mr. Hathcock stated that upon reviewing the Board Secretary's findings, he was preferable to attorney Nicolas Cornelius due to Mr. Cornelius's greater experience with CORP and PSPRS Local Boards. The Chair and Mr. Mabery agreed with Mr. Hathcock's evaluation. Mr. Hathcock added that Mr. Cornelius's fee matched the Board's agreed-upon rate with Ryan Rapp Pacheco & Kelley.

**MOTION: Jason Hathcock motioned to table this item until both attorneys have confirmed their ability or inability to meet contract insurance requirements.** The motion was seconded and passed unanimously. **CORP 2023-20**

**Future Agenda Items:**

Staff informed the Board that the following items will likely be placed on the May 2, 2023, meeting agenda:

- Consideration of Disability Application #21-03 – IME Reevaluation Benefit Decision
- Legislative Update provided by Liana Garcia, Government Affairs Director for the AOC
- Electronic Election Update provided by the Board Secretary
- Decision on the Board Attorney Contract

**Call to the Public:**

No members of the public addressed the Board.

The meeting was adjourned at 10:34 a.m.

Transcribed April 4, 2023.