

**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 Monday, April 7, 2014, 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; Phil Hanley, Jason Hathcock, Rob Lubitz

Board Members Present via Conference Call:

Mark Smalley

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Board Attorney (via conference call)

Call to Order:

Approval of the Minutes:

March 4, 2014, Public Meeting Minutes

MOTION: A motion to approve the March 4, 2014 Public Meeting Minutes was made by J. Hathcock. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2014-24**

Discussion of Meeting Transcripts:

At the Board's March 4, 2014 meeting, the Board directed the Board Secretary to consult with the Board Attorney as to whether transcripts need to be prepared when a court reporter attends a meeting or whether the court reporter is even needed if audio recordings are being made.

The Board Attorney responded with information about the purpose of having a court reporter present – to ensure a complete and clear record of matters heard. She recommends against relying solely on the audio recording made by staff, but suggests the Board does not need to have a transcript prepared every time a court reporter attends. Instead, she recommends that the Board have a court reporter attend to take down the record without having a transcript produced unless a matter is contested at the next level. She reports that this Board is the only board she advises that receives transcripts of proceedings on a regular basis; other boards only incur the expense of having the transcript prepared if it is a complicated case or if there is a challenge.

Board Member Jason Hathcock asked how long a court reporter's notes are kept by a court reporting company. The Board Secretary confirmed that the notes are kept for 10 years.

MOTION: A motion to direct staff to continue hiring a court reporter to take a verbatim record when the Board is hearing disability or other potentially contested matters, but discontinue having an official transcript produced except in those cases where a matter is complicated or contested at the next level was made by R. Lubitz. Motion was seconded and passed unanimously. CORP 2014-25

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:

Beal, Bruce L. (Reverse DROP)
Dyess, John C.
Evans, Dwayne E. (Reverse DROP)
Peterik, Linda A.

The Board Secretary noted for the record that the effective retirement date for all applicants except John C. Dyess was April 1, 2014. Mr. Dyess' retirement was effective March 1, 2014, so he will be paid retroactively for that month if the Board approves his retirement.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, for a CORP effective date of April 1, 2014, with the exception of John C. Dyess, whose CORP effective date was March 1, 2014, was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2014-26

Bruce L. Beal:	\$3,115.17 (Reverse DROP Estimate: \$18,771.57)
John C. Dyess:	\$5,430.68
Dwayne E. Evans:	\$3,812.08 (Reverse DROP Estimate: \$175,282.99)
Linda A. Peterik:	\$1,934.87

As a follow-up to a Board member's question at a prior meeting, as to why the survivor benefit was not displayed on the C11 and C12 forms for Reverse DROP retirements, the Board Secretary advised that the Fund Manager's office has stated they will add the Board's question to their next forms review.

Approval of Survivor Benefit:

The Local Board may consider and vote on the approval of Survivor benefits for the following application or defer decision to a later date.

Donald G. Goldstrom (Deceased) – Benefits Payable to Julie A. Goldstrom

The Board verified that a Death Certificate and Marriage Certificate were provided, and that the applicant, Julie A. Goldstrom, is qualified to receive the Survivor Benefit for Donald G. Goldstrom.

MOTION: A motion to approve the payment of Survivor Benefits to the following applicant in about the following amount was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2014-27**

Member: Donald G. Goldstrom (Retired 1/1/2013; Deceased 12/21/2013)
Benefit Payable to Spouse Julie A. Goldstrom beginning January 31, 2014: \$2,695.46

Notice of Retiree Return to Work:

A. Mayo, Arthur D. - Mohave County

The Board received a Notice of Retiree Return to Work from Mohave County for Arthur D. Mayo. The form indicates that Mr. Mayo retired under CORP effective March 1, 2014, and returned to work for the Mohave County Superior Court on March 22, 2014, as a contracted Detention Work Furlough Program Consultant. While Mr. Mayo's return as a contractor occurred less than 12 months after retirement, he is eligible to continue to receive a CORP pension because he did not return to work in a CORP designated position. Mr. Mayo's employer is also not responsible for paying an alternate contribution rate on his behalf.

MOTION: A motion that the Board received a Notice of Return to Work for Arthur D. Mayo and finds that (1) Mr. Mayo is eligible to continue to receive a CORP pension and (2) Mr. Mayo's employer (Mohave County) is not responsible for paying an alternate contribution rate on his behalf was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2014-28**

B. Nunez, Eduardo A. - Pima County

The Board received a Notice of Retiree Return to Work from Pima County for Eduardo A. Nunez. The form indicates that Mr. Nunez retired under CORP effective September 1, 2013, and returned to work for the Pima County Superior Court on March 3, 2014, as an Intermittent (On-Call) Juvenile Detention Officer. While Mr. Nunez's return occurred less than 12 months after retirement, he is eligible to continue to receive a CORP pension because he did not return to work in a CORP designated position. Mr. Nunez's employer is also not responsible for paying an alternate contribution rate on his behalf.

MOTION: A motion that the Board received a Notice of Return to Work for Eduardo A. Nunez and finds that (1) Mr. Nunez is eligible to continue to receive a CORP pension and (2) Mr. Nunez's employer (Pima County) is not responsible for paying an alternate contribution rate on his behalf was made by P. Hanley. Motion was seconded and passed unanimously. **CORP 2014-29**

C. Saucedo, Anthony A. - Pima County

The Board received a Notice of Retiree Return to Work from Pima County for Anthony A. Saucedo. The form indicates that Mr. Saucedo retired under CORP effective November 1, 2013, and returned to work for the Pima County Superior Court on November 18, 2013, as an Intermittent (On-Call) Juvenile Detention Officer. While Mr. Saucedo's return occurred less than 12 months after retirement, he is eligible to continue to receive a CORP pension because he did

not return to work in a CORP designated position. Mr. Saucedo's employer is also not responsible for paying an alternate contribution rate on his behalf.

MOTION: A motion that the Board received a Notice of Return to Work for Anthony A. Saucedo and finds that (1) Mr. Saucedo is eligible to continue to receive a CORP pension and (2) Mr. Saucedo's employer (Pima County) is not responsible for paying an alternate contribution rate on his behalf was made by R. Lubitz. Motion was seconded and passed unanimously. **CORP 2014-30**

Status Update: Membership Audit

The Board voted at its August 6, 2013, meeting to conduct an audit of Local Board membership records to ensure the Board's records are complete.

Since the last update given at the Board's March 4, 2014 meeting, the Local Board office has resolved an additional 11 discrepancies. All discrepancies for Apache, Greenlee, La Paz, Mohave, Santa Cruz, Yavapai and Yuma counties have been resolved. Staff is continuing to work with the counties and the Area Operations Director for Concentra to retrieve pending documents. The pending exams in each county are, for the most part, those that need to be retrieved from Concentra archives. Recent challenges have slowed the retrieval process:

- Graham and Pinal counties have been slow to identify the medical provider who conducted some exams – Concentra is not the sole provider for those counties. They report they are continuing to research billing records.
- HIPAA restrictions as to the person who may receive exam reports have required research, county by county, to identify who is authorized to receive reports and, where necessary, to update the contact if the identified person is no longer employed with the department.

As follow-up to a Board member's question at the March 4, 2014 meeting, as to whether the Maricopa County contract with Concentra specifies a retention term for records, Mark Alver of Maricopa County advised that the contract requires retention for six years. All of the pending exams were conducted within the past six years. Maricopa County advised that they will pursue contract remedies upon receipt of written confirmation from Concentra that some records are irretrievable.

CORP Physical Exam Final Letters:

Hayes, Larry (February 28, 2014)
Kakou, Daniel (February 28, 2014)
Larsen, Cordell (March 4, 2014)
Larsen, Ronald (March 4, 2014)
Liming, Sarah Wood (March 4, 2014)
McCormick, Laquicia D. (March 4, 2014)
Noah, Abdul-Salam (March 4, 2014)
O'Brien, Heather (March 4, 2014)
Orem, Rebekah L. (February 28, 2014)
Sam, Ly Tyson (March 4, 2014)
Serna, Jesse L. (February 28, 2014)

Certified letters were sent to these members on the above-listed dates regarding non-receipt of the CORP physical examination after 60 days of receipt of the membership form.

A.R.S. § 38-884.B. provides in part: “Any employee who fails or refuses to submit to the medical examination prescribed in this section is deemed to waive all rights to disability benefits under this article.”

The Board Chair noted, for the record, that physical examination reports for Larry Hayes, Daniel Kakou, Cordell Larsen, Ronald Larsen, Sarah Wood Liming, Laqucia McCormick, Abdul-Salam Noah, Rebekah L. Orem, Ly Tyson Sam and Jesse L. Serna were not received within 60 days of receipt of their membership application, and that final letters requesting an examination were sent to these members via certified mail.

Approval of Membership:

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

Aitken, Philip	Yuma	8/26/2013
Barone, Ariana	Maricopa	1/6/2014
Barriga, Valorie	Coconino	1/20/2014
Begay, Tammie	Navajo	5/13/2013
Bowen, Tyler	Maricopa	3/17/2014
Bradley, Elisa	Maricopa	3/3/2014
Calderon, Manuel	Pima	3/10/2014
Crittenden, Adrianna	Maricopa	1/21/2014
De La Torre, Ivan	Pima	2/3/2014
DeVerna, Matthew	Maricopa	1/17/2014
Estrada, Melissa	Maricopa	3/31/2014
Figueroa, Andrew	Pima	2/10/2014
Gonzales, Matthew	Gila	1/6/2014
Guardi, David	Pima	3/3/2014
Hayes, Larry	Navajo	11/18/2013
Hernandez, Elizabeth	Pima	2/10/2014
Hestand, Amber	Graham	7/8/2013
Jasper, Emily	Coconino	12/12/2013
Kakou, Daniel	Navajo	11/17/2013
King, Daniel	Navajo	11/19/2013
Larsen, Cordell	Maricopa	3/7/2011
Larsen, Ronald	Maricopa	3/14/2011
Lavant, Demetrius	Maricopa	9/3/2013
Legault, Maureen	Pinal	9/9/2013
Liming, Sarah Wood	Maricopa	5/2/2011

Lucero, Vanessa	Pima	3/10/2014
McCormick, Laqucia D.	Maricopa	7/14/2008
Meaux, Eric	Maricopa	5/16/2012
Molique, Matthew	Navajo	2/3/2014
Nedved, Jana	Maricopa	3/3/2014
Niece-Pendergast, Shawn	Coconino	3/3/2014
Noah, Abdul-Salam	Maricopa	6/27/2011
Nosie, Christina	Gila	1/9/2014
O'Brien, Heather	Maricopa	6/25/2012
Orem, Rebekah L.	Mohave	12/16/2013
Price, Ryan	Maricopa	3/3/2014
Rousseau, Judd	Maricopa	3/31/2014
Sam, Ly Tyson	Maricopa	9/8/2008
Sanchez, Jose	Coconino	11/20/2013
Scrivner, Clifton	Graham	7/15/2013
Serna, Jesse	Navajo	12/2/2013
Smallwood, John	Graham	7/1/2013

MOTION: A motion to approve the 42 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 applicants Philip Aitken, Tyler Bowen, Adrianna Crittenden, Matthew DeVerna, Matthew Gonzales, David Guardi, Daniel King, Demetrius Lavant, Eric Meaux, Matthew Molique, and Jana Nedved 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 J. Hathcock. Motion was seconded and passed unanimously. CORP 2014-31

Before the meeting adjourned, the Chair directed staff to include an evaluation of the new electronic process for disseminating meeting material to the Board on the next meeting agenda.

Call to Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:30 a.m.

Transcribed April 7, 2014