

**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, May 2, 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); Yvonne Wong, AOC Human Resources Officer (video call)

Call to Order:

Approval of Minutes:

April 4, 2023 – Public Meeting Minutes

MOTION: Mark Smalley moved to approve the public meeting minutes of the April 4, 2023, meeting. The motion was seconded and passed unanimously. The minutes stand approved. **CORP 2023-21**

Legislative Update:

In the March 7, 2023, 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 experienced a conflict and was not present for this meeting. In her absence, a list of House and Senate Bills that Ms. Garcia would have discussed was provided to the Board. In addition, Ms. Garcia supplied Board Staff with the following overview, which was shared by the Board Secretary:

- There is no expectation that the legislative session will adjourn before the end of May as legislative leadership attempts to negotiate a budget with the Governor's Office.
- HB2027 is stalled in the Senate and may not pass in its entirety (\$428.8 million). The topic of AOC CORP unfunded liability may be revived during budget negotiations.
- HB2015, HB2433, & SB1173 have been signed by the Governor and go into effect ninety days after the legislative session adjourns.
- SB1500 has passed the Senate but still needs a final floor vote in the House. If passed in the House, it is probable that the Bill will be vetoed.

Notice of Retiree Return to Work – Jerry Pieczynski:

The Board received a Notice of Retiree Return to Work from the Maricopa County Judicial Branch for Jerry Pieczynski, indicating that Mr. Pieczynski retired from the Maricopa County Judicial Branch Adult Probation Department on April 3, 2023, with an effective CORP retirement date of May 1, 2023. He had since accepted an employment offer with the Maricopa County Judicial Branch and returned to work on May 1, 2023, in a non-CORP-designated position as a Court Investigator.

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

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

Mr. Hathcock noted that Mr. Pieczynski's effective retirement date and start date for the Court Investigator position are the same; however, since he terminated employment on April 3, 2023, a clear break in service had occurred. Mr. Hathcock also brought to the attention of the Board that had Mr. Pieczynski returned to work in a CORP-designated position, his start date would need to have been at least six months after his effective retirement date to continue receiving a retirement pension.

MOTION: Jason Hathcock motioned that the Board received a Notice of Retiree Return to Work for Jerry Pieczynski and found that (1) Mr. Pieczynski is eligible to continue to receive a CORP pension and that (2) Mr. Pieczynski's employer, Maricopa County Judicial Branch, 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 2023-22**

Notice of Retiree Return to Work – Michael Kenehan:

The Board received a Notice of Retiree Return to Work from Graham County Superior Court for Michael Kenehan, indicating that Mr. Kenehan retired from Graham County under CORP on March 13, 2023, with an effective CORP retirement date of April 1, 2023. He had since accepted an employment offer with Graham County Superior Court and has an expected return to work date of June 5, 2023, in a non-CORP-designated position as an Adult Drug Coordinator.

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

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

Mr. Hathcock commented that the Board typically does not receive a Notice of Retiree Return to Work until after a retiree has returned to work, whereas Mr. Kenehan had not yet returned to work. The Chair responded that receiving and reviewing the notice in advance was preferable because it allows the Board time to discover and resolve potential concerns before a retiree returns to work.

MOTION: Jennifer Fish motioned that the Board received a Notice of Retiree Return to Work for Michael Kenehan and found that (1) Mr. Kenehan is eligible to receive a CORP pension and that (2) Mr. Kenehan’s employer, Graham 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 2023-23

Acknowledgment of CORP Physical Exam Final Letters:

A physical examination report was not received for the member listed below. A certified letter was sent to the member regarding the non-receipt of a CORP physical examination report within 60 days of receiving their membership application.

<u>County</u>	<u>Name</u>	<u>Date Letter Sent</u>
Coconino	Meriel Yanez	3/8/2023

The Chair noted for the record that a physical examination report for Meriel Yanez was not received by the Board within 60 days of receiving Ms. Yanez's membership application. A final letter requesting the examination was sent to Ms. Yanez via certified mail.

Approval of Membership:

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

Meriel Yanez	Coconino	4/7/2023
Rocy Cortes	Maricopa	1/3/2023
Jazmin Chavez	Maricopa	1/3/2023
David Gallardo	Maricopa	4/3/2023
Tiffani Barnett	Maricopa	4/9/2023
Mayte Morales Franco	Maricopa	4/9/2023
Ian Belloso	Maricopa	4/9/2023
Rosario Felix	Maricopa	4/9/2023
Ana Rito Vasquez	Maricopa	4/9/2023
Luc-Martin Tope	Maricopa	4/9/2023
Adam Bajgora	Maricopa	4/9/2023
Lauren Doyle	Maricopa	4/9/2023
Fernando Martinez	Maricopa	4/9/2023
Selene Mosqueda	Maricopa	4/17/2023
Donesha Nicholson	Maricopa	4/17/2023
Addison Miller	Navajo	4/16/2023
Nicholas Campagna	Navajo	4/16/2023
Carolina Cordova	Pima	4/3/2023
John Arey	Pima	4/3/2023
Denion Galindez	Pima	4/9/2023
Thomas Lopez	Pinal	12/27/2023

Herbert Long Jr.	Pinal	3/27/2023
Bianca Ortega	Yavapai	1/12/2023
Samuel Nelson	Yavapai	1/17/2023
Jennin Casas	Yuma	1/9/2023

MOTION: Scott Mabery moved to approve the 25 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 Rocy Cortes, Rosario Felix, Luc-Martin Tope, Lauren Doyle, Nicholas Campagna, Bianca Ortega, and Samuel Nelson 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 2023-24**

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 April 17, 2023, a voting ballot containing the names of nine nominees was issued to all active CORP members. Members also received notification that only votes submitted on or before May 12, 2023, will be accepted. Subsequently, a reminder email was communicated on May 1, 2023, requesting members take action and cast their vote if they have not done so already.

After submissions end, the election results will be announced on the CORP website and via email to County Probation Chiefs and Juvenile Court Directors.

The Chair asked if the Board Secretary could provide the names of the nine nominees on the voting ballot. The Board Secretary confirmed that the nine nominees were Jason Hathcock, Anthony Hernandez, Carlos Zuniga, Megan De Baca, Matthew Fox, Jeremy Russell, Sunni Rabago, Ricardo Mendez, and Miguel Ramirez. The Chair inquired if all the nominees were from Maricopa County, to which the Board Secretary replied that the nominees are from various counties.

Mr. Hathcock questioned the methodology regarding the order of nominee names on the voting ballot. The Board Secretary answered that the names were inserted into the ballot as nominees confirmed interest. In addition, the Board Secretary asked if there were concerns with how the nominees were listed. Mr. Hathcock responded that he did not want voters to assume he had an unfair advantage by being the first nominee listed on the ballot.

The Chair requested that the Board make a formal motion during the June 6, 2023, meeting to determine how nominee names should be presented to voters in future elections.

Board Attorney Contract Decision:

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

During the April 4, 2023, Board meeting, the Board motioned to table this matter until Nicolas Cornelius confirmed his capability to meet contractual insurance requirements.

Mr. Hathcock asked what prevented Mr. Cornelius from meeting the contract insurance requirements. The Chair replied that Mr. Cornelius asked to waive liability coverage that he found unnecessary due to the size of his firm and that he was securing additional coverage limits required of AOC contracts. Mr. Hathcock questioned if Mr. Cornelius was provided a deadline to confirm he meets the necessities. The Board Secretary answered that urgency was implied in communications with Mr. Cornelius, but a deadline had not been issued. Mr. Hathcock also asked when the AOC must finalize the contract to secure coverage by July 1, 2023, to which the Chair responded that the contract must be routed for approval by June 9, 2023.

Ms. Fish added that a deadline of May 9, 2023, to receive confirmation appeared fair, considering the amount of time already provided to Mr. Cornelius. Mr. Smalley asked if statute requires the Board to have an attorney. The Chair responded that the services of an attorney are necessary to reach a determination if a disability case is heard by the Board.

The Board Secretary noted that if the Board allows Mr. Cornelius more time to resolve the insurance issues, it may be difficult to keep Mr. Apodaca engaged while he awaits a decision. The Chair stated that the Board relies on recommendations provided by the Board Secretary to reach a decision and asked that the Board Secretary offer additional feedback. The Board Secretary responded that both attorneys were easy to work with, but Mr. Apodaca displayed an eagerness to represent the Board and obtain CORP experience. The Board Secretary added that it appeared fair to provide no more than an additional week to Mr. Cornelius to confirm he meets the contract insurance requirements before considering Mr. Apodaca's services.

Ms. Fish stated that she agreed with allowing attorney Nicolas Cornelius until May 9, 2023, to confirm he meets the Board's contract insurance requirements or to contract the services of attorney Andrew Apodaca if Mr. Cornelius fails to meet the requirements by the deadline.

MOTION: Jennifer Fish motioned to instruct the Board Secretary to prepare a contract for legal services with the Law Office of Nicolas J. Cornelius, PLLC, beginning July 1, 2023, and ending on June 30, 2026, contingent upon confirmation that contract insurance requirements are met by May 9, 2023. If insurance requirements are not confirmed, the Board Secretary shall prepare a contract for legal services with Goering, Roberts, Rubin, Brogna, Enos & Treadwell-Rubin, P.C. to start and end on the previously specified dates. The motion was seconded and passed unanimously. CORP 2023-25

Future Agenda Items:

Staff informed the Board that the following items will likely be placed on the June 6, 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
- Decision on Nominee Name Listing and Final Electronic Election Update provided by the Board Secretary
- Notice of Retiree Return to Work

Call to the Public:

No members of the public addressed the Board.

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

Transcribed May 3, 2023.