

**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, November 6, 2012, at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Members Present:

Kevin Kluge, Chair; Phil Hanley; Mark Smalley; Rob Lubitz; Jason Hathcock

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Michael Anthony, Board Attorney; Hannah Auckland, Board Attorney; Court Reporter, Ottmar & Associates

Call to Order

Approval of the Minutes:

- a. October 4, 2012, Public Meeting Minutes
- b. October 4, 2012, Executive Session Minutes
- c. October 4, 2012, Transcript of Proceedings – Open Session
- d. October 4, 2012, Transcript of Proceedings – Executive Session – Medical Advice
- e. October 4, 2012, Transcript of Proceedings – Executive Session – Legal Advice

The Chair noted a correction to the verbatim transcripts: his name was misspelled throughout the verbatim transcripts as “Cluge” and should be reflected as “Kluge.” Board member Mark Smalley noted a correction to the Public Meeting Minutes: the word “can” in the second sentence of the second paragraph on page 2 should be “could.” Mr. Smalley also noted three corrections to the verbatim transcripts: on Page 11, line 6, of the Open Session transcript, his name should be spelled Mr. (not Mrs.) Smalley; on Page 7, line 18, and Page 8, line 10, of the Medical Advice Executive Session transcript, the transcript refers to the applicant as “the witness” and instead should read “Applicant 12-01.” There were no further corrections to the minutes.

MOTION: A motion to approve the October 4, 2012, Public and Executive Meeting Minutes and Transcripts was made by J. Hathcock. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2012-62**

Consideration of Disability Application:

The Local Board may vote to go into Executive Session to discuss medical documentation and receive legal advice for the following disability application pursuant to A.R.S. 38-431.03 (A)(2 & 3):

a. #12-03 – IME Review; Decision on Benefits

The Board received application #12-03 for Ordinary Disability on August 22, 2012. At the September 5, 2012 meeting, the Board approved a motion to refer Applicant #12-03 for an Independent Medical Evaluation (IME). The Board Secretary sent a certified letter to Applicant #12-03 advising of the Board action at the September 5, 2012 meeting.

On October 25, 2012 the Board received a completed IME from Dr. Jody Reiser, Board Certified in Neurology. Dr. Reiser reported the applicant has a physical condition that totally and permanently prevents the applicant from performing a reasonable range of duties within their department. Dr. Reiser also reported the applicant has a mental condition that totally and permanently prevents the applicant from engaging in any substantial gainful activity. Dr. Reiser also stated that the applicant's disability does not result from a physical or mental condition or injury which predated the September 26, 2008 effective date for CORP ordinary disability.

MOTION: A motion to approve Ordinary Disability benefits pending receipt of service dates and salary information from Coconino County for Applicant #12-03 based on the findings of the IME conducted by Dr. Reiser as set forth in the report dated October 1, 2012, in which Dr. Reiser stated the applicant has a physical condition that totally and permanently prevents the applicant from performing a reasonable range of duties within their department and a mental condition that totally and permanently prevents the applicant from engaging in any substantial gainful activity was made by R.Lubitz. Motion was seconded and passed unanimously. CORP 2012-63

The Chair requested the applicant be notified via certified letter of the Board's decision.

Approval of Normal Retirement:

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:

a. Steven W. Hardy (R-DROP)

MOTION: A motion to approve the payment of Reverse DROP Retirement benefits to the following applicant in about the following amount was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2012-64

Steven W. Hardy: \$5,675.70 (R-DROP Payout of \$68,373.49 estimated)

CORP Physical Exam Final Letters:

- a. Jessica Morton
- b. Amanda Seybold

The Board noted, for the record, that physical examination reports for Jessica Morton and Amanda Seybold were not received within 60 days of receipt of their membership applications and that final letters requesting an examination were sent via certified mail on October 22, 2012.

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:

| | | | |
|----|-------------------------|----------|------------|
| a. | Aceves, Sue-Llem Rivera | Maricopa | 10/29/2012 |
| b. | Altamirano, Jerardo | Pima | 10/1/2012 |
| c. | Baack, Matthew | Pima | 10/1/2012 |
| d. | Bellew, Mary | Mohave | 9/24/2012 |
| e. | Benson, Aaron | Maricopa | 10/29/2012 |
| f. | Fitzgerald, Selina | Pima | 9/24/2012 |
| g. | Gilliland, Debi | Maricopa | 10/1/2012 |
| h. | Heslin, Michaela | Maricopa | 10/1/2012 |
| i. | Johnson II, Cedric | Maricopa | 9/17/2012 |
| j. | Kaufman, Alicia | Maricopa | 10/1/2012 |
| k. | Levine, Karina | Pima | 9/10/2012 |
| l. | Ludovici, Anthony | Pima | 8/13/2012 |
| m. | Marblestone, Ruth | Pima | 9/24/2012 |
| n. | Metcalf, Gary | Maricopa | 10/15/2012 |
| o. | Morton, Jessica | Pima | 9/10/2012 |
| p. | Nelson, Lucas | Pima | 9/10/2012 |
| q. | Robles, Richard | Pima | 8/13/2012 |
| r. | Rushing, Melissa | Maricopa | 10/15/2012 |
| s. | Schow, John | Maricopa | 10/8/2012 |
| t. | Seybold, Amanda | Pima | 8/27/2012 |

The Board noted, for the record, that physical examinations for applicants Matthew Baack, Mary Bellew, Selina Fitzgerald, Michaela Heslin, Alicia Kaufman, Karina Levine, Ruth Marblestone, Richard Robles, and John Schow identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan.

MOTION: A motion to approve the 20 named employees requesting membership into CORP was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2012-65

CORP Physical Pre-Existing Conditions:

- a. John R. Mattingly III
- b. Krislene Wood

The Board noted, for the record, that physical examination reports for members John R. Mattingly III and Krislene Wood identified pre-existing conditions.

Contract Options for Attorney Services:

The current contract extension with Board Attorney Michael Anthony to provide professional legal services to the Board ends on January 31, 2013. Mr. Anthony has indicated his willingness to extend the term of the contract for an additional year. The Board is also asked to consider adding Hannah Auckland’s name to an extension as one of the listed “Contractors” if the Board moves to extend the current contract. The Board also has the option to seek bids for legal services and negotiate a new contract for services. Mr. Anthony explained that he is semi-retired and clarified that when he and Ms. Auckland both attend a meeting or provide contract services, the Board is only charged half rate for the billable hours for each attorney.

MOTION: A motion to instruct the Board Secretary to extend the contract with Michael Anthony for one year (ending date of January 31, 2014) and to add Hannah Auckland as a listed Contractor on the contract extension was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2012-66

2013 Meeting Schedule:

Meeting dates were chosen based on the availability of the meeting room and in light of the PSPRS requirement to receive Board-approved retirement documentation by the 10th of the month to assure timely payment of benefits. The proposed 2013 meeting schedule is:

| | |
|---------------------------|-----------|
| January 8 th | Tuesday |
| February 5 th | Tuesday |
| March 5 th | Tuesday |
| April 9 th | Tuesday |
| May 7 th | Tuesday |
| June 5 th | Wednesday |
| July 9 th | Tuesday |
| August 6 th | Tuesday |
| September 4 th | Wednesday |
| October 9 th | Wednesday |
| November 7 th | Thursday |
| December 4 th | Wednesday |

The Board Secretary confirmed that all meetings are scheduled to begin at 10:00 a.m.

MOTION: A motion to approve the proposed Board meeting dates for 2013 was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2012-67

Call to Public

No members of the public addressed the Board.

The meeting was adjourned at 10:15 a.m.

Transcribed November 6, 2012