

**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, July 9, 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 (via conference call)

**Also Present:**

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Court Reporter, AV Tranz; Michael Anthony, Board Attorney; Hannah Auckland, Board Attorney; Applicant #12-01 (via conference call)

**Call to Order**

**Approval of the Minutes:**

- a. June 6, 2012, Public Meeting Minutes

The Chair called for any corrections or additions to the minutes.

**MOTION: A motion to approve the June 6, 2012, Public Meeting Minutes was made by R. Lubitz.** Motion was seconded and passed unanimously; minutes stand approved. **CORP 2012-32**

**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 Claim pursuant to A.R.S. 38-431.03 (A)(2 & 3).

- a. #12-01 – IME Decision

The Local Board Office received application #12-01 for Ordinary Disability on May 29, 2012, and presented it to the Board for review at the June meeting. The Board Secretary sought guidance from the Board's Attorney as to the Board's initial consideration of the application before the June 6, 2012 meeting. The Board Attorney felt the application was premature and advised that the Board should request further medical information from the applicant. On June 6, 2012, the Board approved a motion to seek more information from applicant #12-01 with respect to current employment status and reports of medical treatments and findings since February 29, 2012. On June 7, 2012, staff sent a certified letter to applicant #12-01 advising of the Board's action and, on June 28, 2012, staff received the requested medical documentation addressing

medical treatment and findings since February 29, 2012, which are presented to the Board for review at this meeting.

The Chair called for a motion to go into executive session for discussion of the medical documentation pursuant to A.R.S. 38-431 (A) (2 & 3) because applicant #12-01 did not sign the waiver of confidentiality.

**MOTION: A motion to go into executive session for discussion of the medical records and testimony of applicant #12-01, and related legal advice, was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2012-33**

**MOTION: A motion to return to public session was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2012-34**

The Board discussed whether the medical documentation submitted by applicant #12-01 presented sufficient evidence of potential permanent disability to refer applicant #12-01 for an Independent Medical Evaluation. Counsel noted that CORP does not have a temporary or short-term disability option.

**MOTION: A motion to hold application #12-01 until further medical documentation is obtained and the employment status of applicant #12-01 can be clarified was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2012-35**

Applicant #12-01 was advised to keep the Board updated on his medical and employment status.

**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. Mark S. Bergmann
- b. Katherine J. Hoffman
- c. Michael O'Brien
- d. Thomas E. O'Connell
- e. Paul H. Robinson
- f. Barbara K. White

**MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in approximately the following amounts was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2012-36**

Mark S. Bergmann:	\$2,771.71
Katherine J. Hoffman:	\$1,348.64
Michael O'Brien:	\$1,239.95
Thomas E. O'Connell:	\$4,034.17
Paul H. Robinson:	\$1,049.62
Barbara K. White:	\$2,799.91

**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. | Timothy A. Carter | Coconino | 3/19/2012 |
| b. | Kevin P. Johnson  | Mohave   | 5/7/2012  |
| c. | Jessa L. Moore    | Pima     | 5/7/2012  |
| d. | Angela Orona      | Apache   | 4/28/2012 |
| e. | Leroy Varela      | Pima     | 5/21/2012 |

For the record, the Board noted new members Kevin Johnson and Leroy Varela have pre-existing conditions. To comply with the new procedures, these members will be sent a pre-existing condition letter.

**MOTION: A motion to approve the five (5) named employees requesting membership into CORP was made by R. Lubitz.** Motion was seconded and passed unanimously. **CORP 2012-37**

**CORP Physical Pre-Existing Conditions:**

- a. Bryan R. LaBrake

The Board approved Mr. LaBrake for CORP membership at the March 7, 2012 meeting. His physical exam report was received after a 60-day notice was sent to him in April 2012. The Board noted for the record that the physical exam report for Mr. LaBrake identified a pre-existing-condition. To comply with the new procedures, Mr. LaBrake will be sent a pre-existing condition letter.

**CORP Physical Exam Final Letter:**

- a. Timothy A. Carter – Final Letter

The Board noted for the record that a final letter requesting a physical examination was sent to Mr. Carter on June 25, 2012, via certified mail regarding no receipt of the CORP physical exam after 60 days of receipt of his membership form.

**General Discussion:**

- a. Status Update: Retiree Return to Work – Opt-Out Waiver

The Board agreed at the May 9, 2012 meeting to ask for direction from PSPRS as to whether members who opted-out of CORP and stayed in ASRS at the time of the joinder agreement, and later become employed in a CORP designated position after retirement under ASRS, would be allowed to participate in CORP. A letter was sent to the Fund on May 15, 2012. The Board Secretary reported that no response has been received from the Fund to date.

**Call to Public**

No members of the public addressed the Board.

Transcribed July 9, 2012