

**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, May 7, 2013, 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; Jason Hathcock; Rob Lubitz

**Also Present:**

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

**Call to Order**

**Approval of the Minutes:**

- a. April 9, 2013, Public Meeting Minutes
- b. April 9, 2013, Executive Session Minutes
- c. April 9, 2013, Transcript of Proceedings – Open Session
- d. April 9, 2013, Transcript of Proceedings – Executive Session

**MOTION: A motion to approve the April 9, 2013 Public Meeting and Executive Session minutes and transcripts was made by R. Lubitz.** Motion was seconded and passed unanimously; minutes stand approved. **CORP 2013-21**

**Consideration of Disability Applications:**

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. #11-01 – Annual Review; IME Decision

**MOTION: A motion to go into Executive Session to receive legal advice was made by R. Lubitz.** Motion was seconded and passed unanimously. **CORP 2013-22**

**MOTION: A motion to return to public session was made by M. Smalley.** Motion was seconded and passed unanimously. **CORP 2013-23**

This matter was brought before the Board for a yearly evaluation. In a certified letter dated March 28, 2013, the applicant was advised that the matter of her Ordinary Disability Retirement would be heard by the Board at this meeting. The applicant was asked to provide medical

treatment records since April 1, 2012, to assist the Board in determining whether an independent medical re-evaluation of the applicant's condition would be necessary. The Board approved Applicant #11-01's application for Ordinary Disability on June 7, 2011, and stipulated that the applicant's condition be re-evaluated on a yearly basis from the date of approval. On May 9, 2012, the Board conducted its first review of the applicant's medical status. The medical documents submitted at that time included a copy of the decision of the Social Security Administration (SSA) Office of Disability Adjudication Review dated December 22, 2011, which found the applicant disabled as of March 25, 2010, and stated a continuing disability review was recommended in 24 months. At the May 9, 2012 meeting, the Board approved a motion to table the review of the applicant's case for one year until a completed re-evaluation from the SSA was submitted. To date, the applicant has not provided the continuing disability review/-re-evaluation by the SSA.

**MOTION: A motion to refer Applicant #11-01 for an IME to be performed by a medical practitioner selected by the Board was made by R. Lubitz. Motion was seconded and passed unanimously. CORP 2013-24**

The Board requested that the IME be performed by Dr. Laura Don, if possible, who is familiar with the applicant's condition.

**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:

- a. Rex L. Bowersox
- b. Charles J. O'Berry
- c. Michael J. Pierce
- d. Randall L. Sullivan (R-DROP)

The Board Secretary noted for the record that the effective retirement date for all applicants with the exception of Randall Sullivan was May 1, 2013. Mr. Sullivan's effective date of retirement was April 1, 2013, so he will be paid retroactively for his April benefit if the Board approves the motion.

**MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2013-25**

Rex L. Bowersox: \$1,703.55  
Charles J. O'Berry: \$1,339.97  
Michael J. Pierce: \$1,925.09  
Randall L. Sullivan: \$4,116.16 (Reverse DROP Estimate: \$4,118.63)

**CORP Physical Exam Final Letters:**

- a. Kim-Ann Briamonte
- b. Stephen A. Cruz Parra
- c. Carlo Seara

The Board noted for the record that a final letter requesting a physical examination was sent to each of these three members on April 19, 2013, via certified mail, to advise them that the Board did not receive a CORP physical exam report within 60 days of receipt of their membership form.

**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. | Badalov, Dmitriy    | Maricopa | 4/1/2013  |
| b. | Begay, Mandy        | Navajo   | 2/23/2013 |
| c. | Briamonte, Kim-Ann  | Pima     | 2/4/2013  |
| d. | Cookemboo, Oran     | Maricopa | 4/15/2013 |
| e. | Cruz Parra, Stephen | Pima     | 2/4/2013  |
| f. | Folu Oni, Adesina   | Pima     | 3/4/2013  |
| g. | Klema, Evan         | Maricopa | 4/1/2013  |
| h. | Matysiak, Marianna  | Maricopa | 4/1/2013  |
| i. | Moss, Mykal         | Pima     | 3/18/2013 |
| j. | Seara, Carlo        | Maricopa | 1/7/2013  |
| k. | Sinkula, Rebekah    | Pima     | 3/11/2013 |
| l. | Swane, Brian        | Pima     | 3/11/2013 |
| m. | Tena, Janel         | Maricopa | 4/15/2013 |

The Board noted for the record that the physical examinations for applicants Oran Cookemboo and Mykal Moss 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 13 named employees requesting membership into CORP was made by P. Hanley.** Motion was seconded and passed unanimously. **CORP 2013-26**

**Status Update: CORP Election**

Board Member Mark Smalley's term will expire on June 30, 2013. Pursuant to A.R.S. §38-893, the Board is conducting an election to fill this position on the Board effective July 1, 2013. The Board Secretary advised the Board that the names of eight individuals who received the most nominations were placed on a voting ballot. Voting ballots were mailed to all active members on April 30, 2013, and are to be postmarked or date-stamped on or before May 24, 2013.

**Call to Public:**

No members of the public addressed the Board.

The meeting was adjourned at 10:40 a.m.

Transcribed May 7, 2013