

**SUMMARY 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, Wednesday, September 7, 2011, at 10:00 a.m., Conference Room 230, Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

Present at the meeting were the following individuals:

Kevin Kluge, Chair	Rob Lubitz, Board Member	Leticia Chavez, Recorder
Phil Hanley, Board Member	Michael Anthony, Attorney	AVTranz, Court Reporter
Jason Hathcock, Board Member	Hannah Auckland, Attorney	
Mark Smalley, Board Member	Lu McLendon, Secretary	

Call to Order

Local Board Chair, Kevin Kluge, called the meeting to order at 10:00 a.m. Wednesday, September 7, 2011 at the Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

Also Present: Niki O' Keeffe

Approval of the Minutes

- a. June 7, 2011, Public Meeting Minutes AVTranz

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

MOTION: A motion for approval of the June 7, 2011 verbatim Public Meeting Minutes was made by J. Hathcock. Motion was seconded and passed unanimously minutes stand approved. **CORP 2011-32**

- b. August 9, 2011, Public Meeting Minutes

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

MOTION: A motion for approval of the August 9, 2011 Public Meeting Minutes was made by M. Smalley. Motion was seconded and passed unanimously minutes stand approved. **CORP 2011-33**

Disability – The Local Board may vote to go into Executive Session for discussion of medical documentation and to receive legal advice for the following Disability pursuant to A.R.S. 38-431 (A) (2 & 3).

- a. #09-01 – Ordinary Disability – Review Medical Documentation For Independent Medical Evaluation (IME) decision

Public Meeting Minutes
September 7, 2011
Page 2 of 4

At the August 9, 2011 meeting the Board requested that applicant 09-01 submit all medical documentation from the date of the last evaluation request, September 27, 2010 to current, so the board could determine if a medical re-evaluation should be requested. In reviewing the new medical documentation submitted by the applicant the Board felt that the condition of the applicant has not changed or improved, therefore a medical re-evaluation would not be needed. The Board will again review the case in one year.

MOTION: A motion was made by J. Hathcock to continue the disability benefit for applicant 09-01 and review the case in one year. Motion was seconded and passed unanimously. **CORP 2011-34**

b. #09-04 – Ordinary Disability – Pending receipt of current medical documentation

At the August 9, 2011 meeting the Board requested that applicant 09-04 submit all medical documentation from the date of approved disability to current so the board could determine if a medical re-evaluation should be requested. On August 10, 2011 the CORP Office sent a certified letter to applicant 09-04 requesting documentation however to date no documentation has been received by the CORP Office. In reviewing the letter that was sent to the applicant the Board felt a second request should be sent to the applicant and include a deadline of when the new medical documentation is to be received.

MOTION: A motion to send a follow up letter with a deadline to applicant 09-04 was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2011-35**

c. #11-02 – Ordinary Disability Application – IME

Chair called for motion to go into executive session for discussion of medical documentation pursuant to A.R.S. 38-431 (A) (2 & 3).

MOTION: A motion to go into executive session was made by P. Hanley. Motion was seconded and passed unanimously. **CORP 2011-36**

PUBLIC SESSION RESUMED 10:50 a.m.

At the August 9, 2011 meeting the Board reviewed the disability application 11-02 and agreed the applicant qualified to be sent for an IME. The pleasure of the Board was to send the applicant to Dr. Laura Don. On August 31, 2011 the CORP Office received a completed IME from Dr. Laura Don, and presented it to the Board for review. In her evaluation Dr. Don referenced a note from 07/20/2009 “*refers to a prior evaluation of November 2008 by another neurologist, but this progress note is not provided for review.*” Also, in the new disability checklist sent for Dr. Don to complete she stated a conflict in medical evidence. In reviewing the IME and the disability checklist the Board agreed to call Dr. Don to obtain clarification of the applicant’s diagnosis, if the condition is physical or mental and if the condition in question was present prior to the effective date for Ordinary Disability, September 26, 2008. Also, to determine if the missing November 2008 report from the applicant would assist Dr. Don in coming to a more definitive diagnosis.

Public Meeting Minutes
September 7, 2011
Page 3 of 4

With Dr. Don on speaker phone the Chair requested the Doctor clarify her diagnosis of the applicant's condition. The Board Attorney also asked the doctor that she base her diagnosis on a reasonable degree of medical probability. Dr. Don stated that primarily based on the PET scan findings which are specific for Alzheimer's, the applicant's condition is attributed to Alzheimer's and dementia. The Chair also asked if the missing November 2008 report would change her opinion of the applicant's condition, Dr. Don stated that it would not change her opinion but it may confirm the date of onset of reported symptoms. The Chair also asked is there was any medical evidence to suggest the applicant's condition was present prior to September 26, 2008. Dr. Don stated there were only references from prior doctors in the medical evidence and if in the November 2008 there were symptoms there may have been symptoms prior to September 26, 2008. However, those symptoms would have not been enough to diagnose Alzheimer's at that time. Finally the Chair asked if the condition of the applicant was a physical or mental condition, and if the condition is a permanent condition. Dr. Don stated that the condition is in fact a physical condition and not only permanent but a progressive condition. The Board ended the call with Dr. Don.

After speaking with Dr. Don Board Member Phil Hanley felt that based on the IME and the confirming conversation with the IME Doctor the Board had enough information to make a final decision in this case. The Chair also added that Dr. Don addressed and resolved the conflict in the medical evidence and stated that the strongest evidence was the abnormal PET scan which is specific for Alzheimer's.

MOITON: A motion to approve an Ordinary Disability for a physical condition based on the IME findings and the clarifying conversation with Dr. Don was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2011-37

d. Draft Re-evaluation IME letters for Board Review

At the August 9, 2011 meeting the Board requested the Board Attorney review the current letter used for IME re-evaluations and the new disability checklists from the Board of Trustees, and draft an updated re-evaluation letter. The board reviewed the letters developed by the Attorney and requested specific questions from each letter be removed since they are covered by the IME doctor in the initial review. For Ordinary disability the board would like question number 2 removed, for Accidental, questions number two, three and four. Finally for Total and Permanent, questions number two and three. The Board Secretary stated the changes would be made to each letter.

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. Albert Jarvis – Pending receipt of signed C12
- b. JoAnn Tinajera-Arens
- c. Julienne Brannon-Brown (RDrop)
- d. Zachary Dal Pra (RDrop)
- e. Charles Erskin
- f. Joni La Caria

Public Meeting Minutes
September 7, 2011
Page 4 of 4

g. Bolan Ogunde

The Board Secretary noted for the record that retiree Albert Jarvis has not yet returned a signed notification of benefits; therefore, his benefit approval will have to be tabled until a signed notification of benefits is received.

MOTION: A motion to approve payment of benefits, for applications (b-g) for Normal and Reverse DROP Retirement was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2011-38**

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

a. Thomas Flavin (deceased) – Benefits payable to Susan Flavin

MOTION: A motion to approve payment of the Survivor Benefit was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2011-39**

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. Stephen Cromer (07/05/11) - Mohave
- b. Jessica Cruz (08/04/11) – Pima
- c. Sheila Flipse (07/05/11) – Mohave
- d. Richard Gottardo (07/05/11) – Mohave
- e. Paul Martin (07/05/11) – Mohave
- f. Patrick Meyers (08/04/11) – Pima
- g. Delphine Ontai (08/15/11) – Yuma
- h. Dennis O'Rourke (07/25/11) – Yuma
- i. Herlinda Ramos (08/08/11) – Yuma
- j. Natalie Van Vleet (08/01/11) – Mohave

For the record the Board Member Jason Hathcock noted employees B, F, G and I do not yet have an exam on file.

MOTION: A motion to approve the (10) employees requesting membership into CORP was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2011-40**

General Discussion

The Chair stated that the discussion of the Oath of Office's for members of the Board will be added to the agenda for next scheduled meeting.

Call to Public

Transcribed September 7, 2011

