

**MINUTES
SPECIAL PENSION BOARD MEETING
CITY OF HOLLYWOOD EMPLOYEES' RETIREMENT FUND
THURSDAY, NOVEMBER 9, 2017**

1. CALL TO ORDER

Chair Shaw called the meeting to order at 1:43 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Board Members present: Chair Phyllis Shaw, Vice-Chair Jeffrey Greene (via telephone but dropped at approx. 3:00 p.m.), Christopher Cassidy, Charles Howell, George Keller, Mel Standley (departed at 3:58 p.m.), and Robert Strauss. Also present: Pension Coordinator Lisa Castronovo and Board Attorney James Linn (Lewis, Longman & Walker).

4. REVIEW – PENSION COORDINATOR CONTRACT AMENDMENT

Item taken out of order

Mr. Linn reviewed the drafted Extension of Pension Coordinator Agreement noting that the Agreement was for 90 days, the Contractor's lease obligation had been removed, the Contractor's scope of services as detailed in the Pension Coordinator Agreement would continue except to the extent such duties and responsibilities were performed by Segal Marco Administrative Services, and in the event the Board hired an Executive Director during the term of the Extension, the Contractor's scope of services would include providing assistance as needed with respect to the transition of duties and responsibilities to the Executive Director.

When asked if a fee had been agreed on, Chair Shaw noted that she was at \$35,000 and Ms. Castronovo was at \$36,000 for the 90-day period. Ms. Castronovo noted that based on Item (D) of the Extension (which stated the Contractor was to provide assistance in the transition of duties to an Executive Director) the fee would be \$39,000. Mr. Keller stated that such service was anything anybody would be required to do before they exit a job and as such the service did not warrant additional compensation.

MOTION made by Mr. Keller, seconded by Mr. Strauss, to offer a contract extension to LECastronovo Co., Inc. for 90 days for \$36,000.

Mr. Keller stated that if Ms. Castronovo did not accept the offer, the pension administrative services would be picked up by City staff so the Board could let Ms. Castronovo go since she had already provided a 90-day notice, and he was prepared to do that if necessary.

In a voice vote by the members present, all members voted in favor. **Motion** passed 6-0.

3. FULL HEARING – DUTY DISABILITY APPLICANT IFATUNBI ADEFUNMI

Chair Shaw read the Chairperson's Statement.

Mr. Linn introduced the meeting. The hearing following the order of presentation as detailed in the Notice of Hearing and Pre-Hearing Order signed on February 23, 2017. (Notice of Hearing and Pre-Hearing Order made part of these Minutes.)

Opening statements were made by Michael Braverman, attorney for Ms. Adefunmi, and John Wein, attorney for the City of Hollywood. Mr. Braverman noted that Ms. Adefunmi's physician refused to attend the formal hearing.

Mr. Braverman presented Ms. Adefunmi's case via direct examination of Ms. Adefunmi. Mr. Wein cross-examined Ms. Adefunmi. Mr. Braverman and Mr. Wein then presented their closing arguments.

When Mr. Linn asked if any trustees had any questions, Mr. Keller stated the Board was faced with the same dilemma it faced before as no new evidence had been presented so nothing had changed from the initial hearing. Mr. Linn responded that the Board could look at the evidence as presented and made a decision even though no new evidence was provided.

When Mr. Cassidy asked what set off Ms. Adefunmi's disability, Mr. Braverman responded the Ms. Adefunmi post traumatic stress disorder (PTSD) started when a trustee previously on the Board shared in November 2003, Ms. Adefunmi's personal medical information submitted in connection with a prior non-duty disability claim with someone who was not on the Board. The matter was further aggravated when, at about the same time, Mr. Linn asked Ms. Adefunmi if the formal hearing for the non-duty disability claim could be postponed.

Mr. Cassidy stated he felt he did not have enough information to make a decision.

MOTION made by Mr. Cassidy, seconded by Mr. Strauss, to continue the hearing for 60 days to allow the plaintiff and the City the ability to subpoena the three physicians to appear at a future hearing.

Discussion ensued. Mr. Strauss stated he would like someone from the City to be present at a future hearing to present Ms. Adefunmi's personnel file. Mr. Howell said he felt he had enough information from the letters from the physicians who examined Ms. Adefunmi to make a decision and thus felt having the three doctors come to a meeting in a couple of months would result in the same decision by the Board. Mr. Linn stated the Board could approve to grant Ms. Adefunmi a non-duty disability instead of a duty disability. Mr. Braverman said the physicians might or might not show up but that one of them had already stated that his testimony in person would be the same as what he detailed in his written report. When asked, Ms. Adefunmi said she was okay waiting another two months or so if that was the decision the Board made.

When requested, Ms. Castronovo calculated an estimate of Ms. Adefunmi's benefit if the Board granted her a non-duty disability. It was determined that the percent she would receive would be approximately 36% of her final earnings (as opposed to 75% if she were granted a duty disability).

In a voice vote by the members present, **Motion** failed 2-4 (Chair Shaw, Mr. Howell, Mr. Keller and Mr. Standley voted in opposition).

MOTION made by Mr. Keller, seconded by Mr. Standley, to deny the duty disability application. In a voice vote by the members present, all members voted in favor. **Motion** passed 6-0.

Mr. Braverman asked the reason for the denial to which Mr. Keller responded the application did not meet the two-prong test: total and permanent and work-related. Mr. Braverman presented exhibits showing his attempts to have Dr. Foster present at the formal hearing.

MOTION made by Mr. Cassidy, seconded by Mr. Strauss, to grant a non-duty disability to Ms. Adefunmi. In a voice vote by the members present, **Motion** failed 3-3 (Mr. Howell, Mr. Keller and Mr. Standley voted in opposition).

Mr. Braverman stated that a new application with additional information would soon be filed.

4. **REVIEW – PENSION COORDINATOR CONTRACT AMENDMENT**

When asked, Ms. Castronovo stated she accepted the Board's offer of \$36,000 for a 90-day extension of the Pension Coordinator Agreement.

5. **ADJOURNMENT**

MOTION made by Mr. Keller, seconded by Mr. Howell, to adjourn the meeting. In a voice vote by the members present, **Motion** passed 5-0. Meeting adjourned at 4:01 p.m.


Phyllis Shaw, Chair

12-14-2017
Date