

**DRAFT**

The Public Safety Retirement Board of Pima County, Arizona met in session on the 1<sup>st</sup> floor conference room at 130 W. Congress, Tucson, AZ at 8:30 a.m. January 8<sup>th</sup>, 2020.

**VOTING MEMEBERS PRESENT:**

Mr. Keith Bagwell  
Mr. John Fink  
Mr. Leo Duffner  
Lt. Bruce Westberg  
Lt. Costaki Manoleas

**VOTING MEMBERS ABSENT:**

**OTHERS PRESENT:**

Attorney: David McEvoy  
Secretary: Robin Jobst  
Asst. Secretary: Patricia Aron  
Mr. Maurice Othic  
Mr. Mark Othic  
Mr. Barry Kirschner, Attorney for Mr. Maurice Othic  
Sgt. Mary Scott  
Sgt. Michael Escobar  
CO A Zarate

Mr. Bagwell, chairman for the board convened the meeting at 8:34 a.m.

Item 1 on the agenda was a Roll Call. Attendance as listed above.

Item 2 on the agenda was the Pledge of Allegiance.

Item 3 on the agenda was approval of the minutes from the board meeting held on 12/04/19. Mr. Fink moved to approve the minutes as submitted. Mr. Duffner seconded the motion. Motion passed unanimously.

Item 4 on the agenda was the approval of minutes from the Executive sessions held on 09/04/19, 10/02/19 and 11/06/19. Lt. Manoleas moved to approve the minutes as submitted. Mr. Fink seconded the motion. Motion passed unanimously.

Item 5 on the agenda was the discussion and action – Appointment of Board Member as the term expired for the position of Citizen filled by Mr. Duffner. Mr. Duffner informed the board members that he would be willing to serve another term if the board so wished. Lt. Manoleas moved to appoint Mr. Duffner to the board as Citizen for a 4 year term. Lt Westberg seconded the motion. Mr. Duffner abstained from the vote. Motion passed unanimously.

Item 6 on the agenda was the Executive Session regarding the Motion for Rehearing and Reconsideration submitted by Barry Kirschner Law, LLC on behalf of Maurice Othic regarding the denial of his Accidental Disability Retirement Application. Discussion and/or consultation for legal advice with attorney staff A.R.S. 38-431-03 (A{3&4}). Mr. Fink moved that the board meet in Executive Session. Lt. Manoleas seconded the motion. Lt. Westberg moved to include Item number 7 as well. Mr. Fink seconded the amended motion. Motion passed unanimously.

Item 7 on the agenda was the Executive Session regarding Reconsideration of the Ordinary Disability Retirement of Maurice Othic. Disability Retirement Application A.R.S. 38-431-03 (A{3&4}).

Meeting recessed for Executive Session at 8:37 a.m.

Meeting reconvened at 9:11 a.m.

Item 8 on the agenda was the discussion and possible action regarding the Motion for Rehearing and Reconsideration submitted by Barry Kirschner Law, LLC on behalf of Maurice Othic regarding the denial of his Accidental Disability Retirement Application. Mr. Kirschner addressed the board regarding what he felt were procedural errors made by the board when the Application for Accidental Disability submitted by Maurice Othic was reviewed on 10/02/19. Mr. Kirschner also spoke about Dr. Johnson's report that was done in conjunction with the Ordinary Disability Application submitted by Maurice Othic. Mr. Kirschner stated that if Maurice Othic had been sent to Dr. Johnson in October, the Accidental Disability would have been granted. Mr. McEvoy, board attorney also spoke and again reminded the board and Mr. Kirschner that for an Accidental Disability based on a mental condition there is a two-step process. The first step is to determine if there was anything that occurred during Maurice Othic's time with the Pima County Sheriff's Department that was considered unusual, unexpected or extraordinary. In review, the board had determined that nothing occurred that would have been considered unusual, unexpected or extraordinary, so the application was denied. Mr. McEvoy then addressed the issue raised in the motion regarding the executive minutes and cited 38-431.03 A. 1. and B. 2. As well as A. 3. Mr. Fink and Mr. Duffner also spoke to the board. They both agreed that the board considered the application, denied the application and the rehearing has already been completed. Lt. Westberg moved the second request for Rehearing and Reconsidered be denied. Mr. Fink seconded the motion. Motion passed 4-1 with Mr. Bagwell voting no.

Item 9 on the agenda was the discussion and possible action regarding the Reconsideration of the Ordinary Disability Retirement for Maurice Othic. Mr. Duffner questioned why we were reconsidering the Ordinary Disability Retirement as it was already approved. Ms. Jobst, board secretary addressed the board and let them know that information had been received regarding the ability of Maurice Othic to work. Mr. McEvoy then let the board know that they are required to have periodic evaluations prior to 20 years of service and it was within the scope of the boards' responsibility. Mr. Duffner then asked Maurice Othic about his work status. Mr. Kirschner then told the board that Maurice Othic does not have any income and the work done is therapeutic. The board elected to take no action on the item.

Item 10 on the agenda was the Application for Accidental Disability Retirement for Kori Miklos. Mr. Duffner moved to adopt as findings of fact in Dr. Schumacher's six page report dated 12/09/19, specifically his answers to questions one through three on page five and six. Mr. Fink seconded the motion. Motion passed unanimously.

Mr. Duffner made the motion to deny the Accidental Disability Retirement Application based on the findings of fact. Lt. Westberg seconded the motion. Motion passed unanimously.

Item 11 on the agenda was the Application for Termination from DROP and Retirement for Stephen Howell with an effective date of 01/01/20. Lt. Manoleas moved to approve the application. Lt. Westberg seconded the motion. Motion passed unanimously.

Item 12 on the agenda was the Termination of Retiree Benefits for James Huser effective 12/31/19 as read into the record.

Item 13 on the agenda was the Application for Survivor Benefit for Anita Huser, surviving spouse of James Huser with an effective date of 01/01/20. Mr. Duffner moved to approve the application. Lt. Manoleas seconded the motion. Motion passed unanimously.

Item 14 on the agenda was the discussion and action on the invoice submitted by Dr. Schumacher. The secretary informed the board the amount of the invoice and that it was for the independent medical evaluation of Ms. Miklos. Mr. Fink moved to approve payment of the invoice, seconded by Mr. Duffner. Motion passed unanimously.

Item 15 on the agenda was the review of correspondence from PSPRS. Two letters were received regarding the purchase/transfer of service time for John Granger and John Morris.

Item 16 on the agenda was other board business. Mr. Fink informed the board that this would be his last meeting. His term as Chair of the Merit Commission ends at the end of January. Lt. Manoleas also informed the board that he would be unavailable for several meetings due to training.

Item 10 was the call to the public. There was none.

Lt. Manoleas moved to adjourn the meeting, seconded by Lt. Westberg. Motion passed unanimously. The meeting was adjourned at 10:03 a.m.

Robin Jobst  
Secretary