

TOWN OF DAVIE POLICE PENSION PLAN

Minutes

May 30, 2018
10:00 A.M.

A special meeting of the Board of Trustees of the Town of Davie Police Pension Plan was called to order on behalf of the Board by the Plan Administrator, Bob Dorn on May 30, 2018 at 10:00 A.M. at 13790 N.W. 4th Street, Suite 105, Sunrise, Florida.

TRUSTEES PRESENT:

Mr. Greg Brilliant – Chairman; Mr. Thomas DiMeglio, Mr. Jack Mackie & Mr. Ed Taylor – Trustees (Note: Mr. Taylor was present via telephone conference call)

ABSENT:

Mr. Lawrence Davis – Secretary

OTHERS PRESENT:

Mr. Stu Kaufman, Board Attorney - Klausner, Kaufman, Jensen & Levinson; Mr. Bob Dorn – Plan Administrator- Precision Pension Administration; Ms. Patty Ostrander – Precision Pension Administration; Mr. Thomas Squarini – Member of the Pension Plan.

It should be noted that there was a quorum for the Board to have an official meeting.

PUBLIC DISCUSSION:

No public comments presented.

CONSENT AGENDA:

APPROVAL OF THE MINUTES:

The Board was given the May 8, 2018 meeting minutes. Chairman Brilliant requested the Board to review the meeting minutes at the next scheduled meeting which the other Trustees agreed to.

The following Warrants were reviewed and approved by the Board

WARRANT 1061

This Warrant is to FPPTA association to allow Trustees Taylor, Mackie, Brilliant and DiMeglio to attend the June/2018 pension conference. The amount of this warrant is \$2,600. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0

WARRANT 1062

This Warrant is to Mr. James Kalarchian for a rollover of his pension contributions. The amount of this Warrant is for \$17,142.42. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0

WARRANT 1063

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the R & D. The amount of this warrant is \$65.75. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

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WARRANT 1064

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the mutual fund account. The amount of this warrant is \$3,454.85. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1065

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the GHA fixed income account. The amount of this warrant is \$4,210.87. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1066

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the Lyrical account. The amount of this warrant is \$1,161.37. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1067

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the Clearbridge mid cap account. The amount of this warrant is \$976.95. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1068

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the LMCG account. The amount of this warrant is \$900.44. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1069

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the PNC account. The amount of this warrant is \$1,123.53. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1070

This Warrant is to Fiduciary Trust Company International for custodial fees through 3/31/2018 for the Clearbridge large cap account. The amount of this warrant is \$1,212.15. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1071

See Disability Hearing in these minutes.

WARRANT 1072

This Warrant is to IFEBP association to allow Trustee Davis to attend the pension conference. The amount of this warrant is \$1,990.00. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0

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WARRANT 1073

This Warrant is to Mr. Jeffrey Yaeger for his monthly benefit payment which will continue each month starting on June 1, 2018. The amount of this warrant is \$6,819.63. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1074

This Warrant is to Dulaney & Company for actuarial services through April/2018. The amount of this warrant is \$1,437.50. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

WARRANT 1075

This Warrant is to Mr. Jeffrey Yaeger from his Terminal Leave Account. The amount of this warrant is \$36,120.03. A Motion was made by Trustee DiMeglio to approve this Warrant. Trustee Mackie seconded the Motion. The Motion passed 4-0.

NEW/UNFINISHED BUSINESS:

No new or unfinished business.

DISABILITY HEARING:

Mr. Dorn disbursed the Mr. Thomas Squarini Disability Booklet to Trustees. Mr. Kaufman advised that Mr. Thomas Squarini was given a Notice of Informal hearing for this date and time. Mr. Kaufman advised that it should be noted that Mr. Thomas Squarini is present for this informal hearing. Mr. Kaufman advised that Mr. Thomas Squarini has a right to a full Board. Mr. Thomas Squarini advised that he would waive this right for this informal hearing. Mr. Kaufman advised that there is a quorum (3 trustees present and 1 trustee on the telephone) for this informal hearing.

Mr. Kaufman then outlined the following facts for the Trustees to consider for Mr. Thomas Squarini's disability request: Mr. Thomas Squarini began his employment with the Town of Davie Police Department on October 18, 2004. He filed an application requesting service-connected disability benefits on January 1, 2018 based upon his medical condition of coronary artery disease which resulted in quadruple bypass surgery.

On August 15, 2015, Mr. Thomas Squarini had quadruple bypass surgery. Worker's Compensation doctors treated Mr. Thomas Squarini for his illness, specifically, Dr. Perloff treated Mr. Thomas Squarini for just over two years and determined that he was permanently impaired and he was at maximum medical improvement as of 10/24/2017. Dr. Perloff gave a 30% permanent impairment to Mr. Thomas Squarini for his heart condition.

Mr. Kaufman advised that Mr. Thomas Squarini's previous medical records and the Town of Davie pre-employment medical records do not indicate any previous illness that would be connected to the illness that Mr. Thomas Squarini is claiming for his service-connected disability.

Mr. Kaufman advised that the Board sent Mr. Thomas Squarini to an independent medical examination which was conducted by Dr. Dweck. Dr. Dweck reviewed all of the workers' compensation records, Dr. Perloff's records, pre-employment medical

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examination records and Mr. Thomas Squarini's other medical records. Dr. Dweck stated that Mr. Thomas Squarini's symptoms will no doubt continue and he is clearly totally and permanently disabled from performing his duties as a police officer. Dr. Dweck stated in his opinion that Mr. Thomas Squarini's illness is deemed to be job related per the Heart Bill.

Mr. Kaufman advised that Mr. Thomas Squarini requested a reasonable accommodation from the Town of Davie for his illness, but was denied a reasonable accommodation because no other positions are available. Permanent light duty employment for the same salary and benefits were denied by the Town of Davie for Mr. Thomas Squarini.

Mr. Kaufman reviewed F.S. 112.18 which is referred to as the 'Heart Bill'. The statute states that heart disease or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary can be shown by competent evidence. However, any law enforcement officer must have successfully passed a physical examination upon entering into service which examination failed to reveal any evidence of any such condition.

Mr. Kaufman also reviewed §185.18 & § 185.185, F.S. which covers the exclusions where a police officer is not entitled to disability retirement and the false, misleading fraudulent statements made to obtain a public retirement benefits.

Mr. Kaufman reviewed with the Board the Town of Davie Town Ordinance 99-20, Articles 3.5 and 1.8 which covers the following topics: definition of disability, eligibility, disability retirement date, amount of disability retirement benefit, and forfeiture of disability retirement.

The Trustees reviewed the Disability Booklet and discussed the issues. Mr. Kaufman advised that the Board that the Board has several options regarding this issue and they are as follows: (1) not make a decision today and gather more information. (2) Deny the informal hearing and conduct formal hearing in the future which the full rules of evidence would apply and (3) made a decision on this disability today. Each of the Trustees stated that they wanted to make a decision today and vote on this issue.

Trustee DiMeglio made a Motion to accept the Mr .Thomas Squarini Disability Booklet. The Motion was seconded by Trustee Mackie. The Motion passed 4-0 (Trustee Taylor voted via telephone).

Trustee DiMeglio made a Motion that Mr. Thomas Squarini was totally and permanently disabled and Mr. Squarini's disability will be continuously. Trustee Mackie seconded the Motion. The Motion passed 4-0.

Trustee DiMeglio made a Motion that Mr. Thomas Squarini is wholly prevented from rendering useful and efficient service as a police officer. Trustee Mackie seconded the Motion. The Motion passed 4-0.

Trustee DiMeglio made a Motion that Mr. Thomas Squarini's disability date is May 30, 2018 and his retirement payment date is June 1, 2018. Trustee Mackie seconded the Motion. The Motion passed 4-0.

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Mr. Dorn presented to the Board Warrant 1071. This Warrant is for the monthly retirement benefit in the amount of \$5,133.16 for Mr. Thomas Squarini. The benefit payment would start on 6/1/2018. Trustee DiMeglio made a Motion to approve Warrant 1071. Trustee Mackie seconded the Motion. The Motion passed 4-0. Mr. Dorn advised that he would process this payment for Mr. Thomas Squarini and notify the Town of Davie of the Board's decision in this issue. Mr. Kaufman advised that he would write a final order granting service connected disability retirement for Mr. Thomas Squarini.

ATTORNEY REPORT:

Mr. Kaufman advised that he is waiting on the service agreement from Voya for the self-directed DROP and will keep the Board posted.

PLAN ADMINISTRATOR:

Mr. Dorn advised the Board that Mr. Jeffrey Yeager submitted his retirement documents for June 1, 2018. Mr. Yeager selected the 50% Joint and Survivor benefit. Mr. Yeager also submitted the necessary forms to have his Terminal Leave Account (rollover of sick & vacation time) distributed to him in the amount of \$36,120.03. The Board acknowledged this.

Mr. Dorn advised that Mr. James Kalarchian had his pension contributions rolled over to his new retirement system. The amount of this rollover was \$17,142.42. The Board acknowledged this.


Mr. Dorn advised that on May 23, 2018 per the instructions from the Board from the last meeting, five million was transferred to Lyrical Asset Management Large Cap Value Fund and five million transferred to Clearbridge Large Cap Fund from the Vanguard Large Cap Index Fund.

OPEN DISCUSSION:

None

ADJOURN:

Trustee DiMeglio made a Motion to adjourn the meeting. Mr. Trustee Mackie seconded the Motion. Motion passed 4-0. The meeting was adjourned at 10:41 A.M.



Greg Brilliant, Chairman

FOR THE BOARD