
JACKSONVILLE POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING SUMMARY – DECEMBER 12, 2018 – 9:00AM

PRESENT

James Holderfield, Chair
Lt. Michael Shell, Vice Chair
Thomas Lumpkin
Eng. Jean Paravisini
Michael Pelletier
Asst. Chief Richard Reichard
Lt. Christopher Stover

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Assistant Plan Administrator
Chuck Hayes, Pension Benefits Manager
Lawsikia Hodges, Office of General Counsel
Bob Sugarman, Fund Counsel – via Webex

GUESTS

Randy Wyse, JFRD, President, IAFF Local 122
Robin Gainey, JFRD, IAFF Local 122

Meeting Convened: 9:04AM

Meeting Adjourned: 10:32AM

NOTICE: Any person requiring a special accommodation to participate in the meeting because of disability shall contact Steve Lundy, Assistant Plan Administrator at (904) 255-7373, at least five business days in advance of the meeting to make appropriate arrangements. If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based. The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. Additional items may be added / changed prior to meeting.

I. MOMENT OF SILENCE

Dorothy E. Burlison, Retired Firefighter
Charles C. Carter, Retired Fire Lieutenant
Thomas B. Tillis Jr., Retired Firefighter

II. PUBLIC SPEAKING PERIOD

None.

III. CONSENT AGENDA (ITEMS 1-8)

Motion to approve: SHELL; Second: REICHARD; APPROVED UNANIMOUSLY.

The benefits listed below have been reviewed and approved by the Pension Benefits Manager.

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1. **MEETING SUMMARY TO BE APPROVED**

1. **Summary of the Meeting held November 7, 2018.**

Copy held in the meeting file.

2. **APPLICATION FOR SURVIVOR BENEFITS**

1. **DANSON, Yvonne E.** *Widow of John E. Danson (d. 10/25/2018)*

Monthly gross pension \$2,303.55

3. **APPLICATION FOR CHILD'S BENEFIT**

1. **ARNEY, Mariya E.** *Child of Larry S. Arney (d. 08/06/2018)*

Born 12/25/2002 Elena Arney (Guardian)

4. **APPLICATION FOR VESTED RETIREMENT**

1. **HOWICK, Stephanie N.** Police Officer

Monthly gross pension \$613.70

Vesting Date 11/13/2018 Benefit Commencement Date 04/01/2033

5. **APPLICATION FOR DROP**

1. **POLICE:**

HAIRE, Timothy C. Police Officer

KILIS, Eric M. Police Officer

McDONALD Jr., Eugene E. Police Officer

PFENNING, Michael E. Police Sergeant

TERBRUEGGEN III, Maurice F. Police Sergeant

2. **FIRE:**

GORSUCH, Robert J. Fire Lieutenant

WILSON Jr., James E. Fire Captain

6. **APPLICATION FOR TIME SERVICE CONNECTIONS**

Steve Lundy updated the Advisory Committee on the Time Service Connections listed below, noting that the Bailiff Time Service Applications are finally ready for processing as their applications have been certified by JSO HR.

1. **BROWN, Christopher L.** Police Officer

COJ Service (1 yrs., 17 days) \$7,304.87

NOTE: Correction of Time Service Credit for Prior Jax Beach Service

2. **DENNARD, Tia S.** Police Officer

COJ Service (2 yrs., 5 mos., 13 days) \$11,486.09

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3. **GRIMES, Stephanie D.** Police Officer
COJ Service (7 mos., 10 days) \$3,072.38
NOTE: Time Service Credit for Prior Bailiff Service
4. **IVEY Jr., Patrick L.** Police Officer
COJ Service (1 yrs.) \$3,870.71
NOTE: Correction of Time Service Credit for COJ Service
5. **LUNDQUIST, Michael S.** Police Sergeant
COJ Service (1 yrs., 11 mos., 9 days) \$9,629.48
NOTE: Time Service Credit for Prior Bailiff Service
6. **SHUBERT III, Archie L.** Firefighter Engineer
COJ Service (4 yrs., 2 mos.) \$10,176.98
NOTE: Correction of Time Service Credit for COJ Service
7. **WEIGAND, Eric B.** Firefighter
COJ Service (1 yrs., 6 mos., 21 days) \$9,194.97
NOTE: Correction of Time Service Credit for COJ Service

7. **REFUND OF PENSION CONTRIBUTIONS**

To be received as information

1. **BAILEY Jr., Tommy L.** Police Officer
Refund \$24,393.65

8. **SHARE PLAN DISTRIBUTIONS**

To be received as information

1. **LIBERTY, Charlene E.** Police Officer
Share Plan Distribution \$3,167.76

IV. **OLD BUSINESS**

None.

V. **COUNSEL REPORTS**

Lawsikia Hodges & Bob Sugarman

1. **Appeals Procedure** – Handout

Lawsikia Hodges emailed Steve Lundy the most recent draft of Bob Sugarman's 'Appeals Procedures', titled "Procedures for Conducting Administrative Hearings on Appeals Concerning Eligibility, Correction of Errors, Time-Service Corrections and Determination of Indebtedness".

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Steve Lundy displayed the 'Appeals Procedures' on the screen for the Advisory Committee to discuss with Bob Sugarman.

Bob Sugarman began his discussion of the Appeals Procedures document and made the following points:

- This document will outline how the Advisory Committee holds hearings for members who disagree with decisions made by the PFPF staff.
- The purpose of these procedures is to give members due process before going to court.
- Language concerning forfeitures and disabilities has been removed – the Advisory Committee does not hold authority over these issues.
- The Appeals Procedures allows the Advisory Committee to outsource hearings to the Division of Administrative Hearings (DOAH).

Lawsikia Hodges asked Bob Sugarman to explain a threshold policy decision – how to distinguish between 'level 10' due process and 'level 3'. The PFPF should not require simple issues to endure 'level 10' due process procedures.

Bob Sugarman said any member who wants level 10 due process should get it, regardless of how minor the issue. As advised by OGC, the presiding officer – the Advisory Committee Chair – will be able to convert from a level 10 to a level 3.

Bob Sugarman said in most pension plans not as well staffed as the PFPF, appeals go straight to the Board. We have the opportunity to have the Advisory Committee be the first stop. "How many bites do we give the member?" – First is the PFPF Office, second is the Advisory Committee, third is the Board of Trustees, and fourth is the Court.

Timothy Johnson asked if multiple complainants could be represented by the same attorney.

Bob Sugarman said although every member has to make their own appeal in their own name, if issues are common in law and fact, the presiding officer may consolidate hearings for efficiency. If everyone has the same lawyer, yes.

Lawsikia Hodges pointed out that depending on the member, some members may owe more than others – a single ruling by the Advisory Committee affecting multiple members with differing financial circumstances may pose a problem.

Bob Sugarman said this is a two-stage procedure. First, the hearings, then individual resolutions. Same decision, then go back to resolve.

Richard Reichard asked who would pay for the DOAH hearing if the member loses.

Bob Sugarman said the PFPF would pay. Requiring the member to pay for the DOAH hearing would encourage the member to go straight to court.

Michael Shell said that this document reads very complicated and 'legalese'. Hearing it spoken out loud seems nonchalant and is concerning.

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Bob Sugarman said he could rewrite the document to be more colloquial, but would open up the fund to be sued by experienced lawyers. Lawyers should not be able to take advantage of the PFPF's procedures. This document is the best way to set up the PFPF to win lawsuits. This document provides for 100% due process.

Michael Pelletier asked if it would be simpler to turn all appeals over to the DOAH. He asked if there was a way to split the document into layman's terms.

Bob Sugarman said if this is adopted, we can give a simplified guide to members.

James Holderfield asked if there was a disadvantage to the 'legalese'.

Lawsikia Hodges said she would give this some pause. The level of due process depends on each case's complexity. She said she would be in favor of more generalized language – an informal hearing, a formal hearing, then a decision made on advice of counsel. Counsel may recommend the Advisory Committee defer the case to the DOAH.

James Holderfield asked if it would be better to adopt these procedures for exceptional cases to protect the fund. Most members just want to be heard.

Bob Sugarman said making a level 10 hearing available to the member is a good idea. A member should not be able to say that he got a level 3 hearing while another member received a level 10 hearing.

Bob Sugarman continued his description of the document, covering discovery next.

Michael Shell said the whole point is to offer the member due process.

Bob Sugarman said he does not know where to draw the line. This is best done through a formal administrative hearing. Wherever we draw the line, the member will say they want to be on the other side. Each member should be offered a level 10 hearing.

James Holderfield asked Bob Sugarman and Lawsikia Hodges to get together and discuss issues OGC has with the document's language, and return a streamlined version for next month's Advisory Committee Meeting.

VI. EXECUTIVE DIRECTOR'S REPORT

Timothy Johnson

1. Share Plan Distribution – Update

Timothy Johnson briefly overviewed the Share Plan Distribution Update as attached. The bottom line is PFPF Staff discovered an error in the original 2015 Share Plan programming which affected certain members' prorated shares. The PFPF will continue to keep the Advisory Committee, Board of Trustees, and Unions updated along the way until a solution is reached. The PFPF Staff has recommended a

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possible resolution which is being reviewed by OGC. It may be past January before the next Share Plan Distribution is made. The good news is no member has been overpaid a Share Plan Refund.

2. 2018 PFPF Member Satisfaction Survey Results
Steve Lundy

Deferred to next month.

VII. NEW BUSINESS
None.

Steve Lundy, Assistant Plan Administrator
Posted 12/13/2018

James Holderfield, Chair
To be approved at the Advisory Committee Meeting on January 9, 2019.

The next regular meeting will be held Wednesday, January 9, 2019 at 9:00AM.