

**West Palm Beach Police Pension Fund
2100 North Florida Mango Road
West Palm Beach, Florida 33409**

Minutes

**August 18, 2014
2:00 PM**

CALL THE MEETING TO ORDER

Mr. Frost called to order the West Palm Beach Police Pension Fund Meeting on August 18, 2014 at 2:00 PM, in the main conference room of the Ernest George Building of the Palm Beach County Police Benevolent Association.

Present at the meeting: Jonathan Frost, Chairman, Troy Marchese, Board Secretary, Craig Kahle, Board Trustee and Wilton White, Board Trustee.

Also present: Gary Lippman, Robert Winess, Counsel for _____ ; _____ ; Pedro Herrera & Dustin Watkins, Special Counsel for the Board of Trustees; Bonni Jensen, Board Attorney, Law Offices of Perry & Jensen; Dave Williams, Plan Administrator.

PUBLIC COMMENT

No Comments Provided

ATTORNEY'S REPORT

No Report Provided

ADMINISTRATOR'S REPORT

No Report Provided

OPEN DISCUSSION

FORMAL HEARING - (Continuation)

Pursuant to subsection 16(26)(c) 5 of the special act pension plan, the recording of the Hearing will be maintained as a part of the official files. These Minutes are a summary of the Hearing.

Mrs. Jensen began by recapping the issue before the Board. It was stated that the same Trustees were presented today that was present on August 8, 2014. Further she cited the pending motion from the meeting of August 8, 2014 to deny the disability. Mrs. Jensen reminded the Trustees that the decision should be based on the evidence presented in the case. Having no questions, public deliberations began.

Mr. Frost felt that a continuance of the meeting was in good order. The time allowed the Trustees to again review the records before them. Mr. Frost began his deliberations by referencing several sections in the official record that he felt were relevant to the claim. Mr. Kahle, Mr. Marchese and Mr. White followed. In summary, the Trustees cited the totality of circumstances, the subjective evidence of the Claim, the permanency of the condition and finally the credibility of the Claimant was all considered.

Mrs. Jensen asked the Trustees about the assertion raised by Mr. Winess relative to Dr. Goldschmidt's report. The Trustees felt that Dr. Goldschmidt's report was one segment of the evidence, further his work should not be discredited due to his billing practices.

Mr. Winess raised an issue of evidence being considered. The Trustees had the following evidence for their consideration:

West Palm Beach Police Pension Fund – Minutes

August 18, 2014

Page 2 of 3

**JOINT EXHIBIT
Composite Exhibit 1**

binder compiled by the Board of Trustees consisting of the following (Exhibits E, G, and L were not joint exhibits):

Exhibit A	HIPAA Releases Application for Pension Disability Benefits Interrogatories Attachment to Interrogatories IME - Dr. IME - Dr. IME - Dr. IME -
Exhibit B	Job Description - Patrol Officer
Exhibit C	Pension Plan Disability Language
Exhibit D	Medical Records - Pre-Employment
Exhibit F	Medical Records - Dr.
Exhibit H	Medical Records - Dr. (#1 and #2)
Exhibit I	Medical Records - Dr. (#1 and #2)
Exhibit J	Medical Records - Dr. (Records and 2 updates)
Exhibit K	Medical Records - Dr.
Exhibit M	Post-IME Documents (from)
Exhibit N	Independent Medical Examination - Dr. IME and Medical Evaluation

**CLAIMANT EXHIBITS
Composite Exhibit 1**

Termination letter dated December 5, 2013 letter with releases of December 5, 2012 and memo dated December 5, 2013.

Exhibit 2	Board of Trustees minutes of March 7, 2014
Exhibit 3	Order dated March 18, 2014
Exhibit 4	8/12/13 fax from Medical Care
Exhibit 5	Labcorp report on testosterone
Exhibit 6	Job description
Exhibit 7	Notice of appeal
Exhibit 8	Motion in limine and Daubert with attachments Composite Exhibit A - Public Records Response from Board Exhibit B - Workers Compensation Records from Rizzo Case
Exhibit 9	Response to motion in limine
Exhibit 10	8/23/13 letter from Dr. re: review of Dr report
Exhibit 11	Public Records Request re: Doctor fees and attached response.

West Palm Beach Police Pension Fund – Minutes

August 18, 2014

Page 3 of 3

BOARD EXHIBITS

Board Exhibit 1	2012 pension plan document as amended in 2014
Board Exhibit 2	Hearing Memo dated August 7, 2014
Board Exhibit 3	Exhibits not agreed to from Joint Composite
	Exhibit 1:
	Exhibit E
	Medical Records - Workers' Compensation
	Notice of Voluntary Dismissal
	Esq.
	Correspondence
	Deposition of 6-16-04
	Deposition of 2-07-13
	Final Compensation Order
	Exhibit G
	Medical Records -
	Exhibit L
	Independent Medical Examination -
	Dr.
Board Exhibit 4	CV of Dr.
Board Exhibit 5	Invoice of Dr.
Board Exhibit 6	Additional records bi r for - compiled by Board

There was no testimony to consider by the Claimant, nor was there any witness testimony.

With the pending motion of August 8, 2014 to deny the disability before the Trustees, a formal vote was called. All Trustees voted yes, and the motion was passed 4-0 to deny the disability of Mr. .

Mrs. Jensen reviewed elements of the Order and a typographic issue. The Trustees felt the basis for the Order should be reaffirmed with the amendment due to the typo cited. Mr. Marchese placed the foregoing in a form of a motion which was seconded by Mr. White. All Trustees voted yes, and the motion was passed 4-0.

OPEN DISCUSSION

No Discussion Ensued

ADJOURNMENT

Being there was no other business; the meeting was adjourned at 2:44 PM.

The next meeting regular meeting is September 12, 2014 at 8:30 AM.

Troy Marchese, Board Secretary