

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

Minutes

**December 09, 2024
8:30 AM**

CALL THE MEETING TO ORDER

Mr. Frost called to order the West Palm Beach Police Pension Fund Special Meeting on December 09, 2024, at 8:36 AM, in the main conference room of the Ernest George Building of the Palm Beach County Police Benevolent Association.

Present at the meeting: Jonathan Frost, Board Chairman; Sean Williams, Board Trustee; Dana Fragakis, Board Trustee.

Also present: Mark J. Berkowitz, Counsel for Mr. LaFrance; Richelle Levy, Special Counsel for the Board of Trustees; Perry LaFrance, Claimant; Jeffrey Wolkowicz¹, MD, Witness for Mr. LaFrance; Vince Faridani, MD, Witness for the Board of Trustees; Bonni Jensen, Board Attorney - Klausner, Kaufman, Jensen & Levinson; and Dave Williams, Plan Administrator.

PUBLIC COMMENTS

No comments.

FORMAL DISABILITY HEARING – PERRY LAFRANCE

Mrs. Jensen announced that this was a special meeting (formal hearing) being held at the request of Mr. LaFrance, who is appealing against the Board's decision on granting non-service disability² in lieu of service-connected disability. Mr. LaFrance is represented by Mr. Berkowitz, and the Board has engaged Mrs. Levy as special counsel in this matter. Mr. Jensen outlined the procedures that will be followed.

Mrs. Jensen pointed out that there were three trustees present for the hearing today, which establishes an official quorum, but not a complete board. Mrs. Jensen asked Mr. Berkowitz if he agrees to proceed today with the quorum cited. Mr. Berkowitz indicated that Mr. LaFrance has agreed to proceed. Mrs. Jensen reflected that the burden of proof was on Mr. LaFrance.

Opening statements proceeded at this juncture by Mr. Berkowitz and then subsequently by Mrs. Levy. At the conclusion of that segment of the meeting, Mr. Berkowitz then called upon Dr. Wolkowicz (witness for Mr. LaFrance). Dr. Wolkowicz³ indicated that he reviewed the medical records of Mr. LaFrance, and when asked⁴, stated his examination of Mr. LaFrance was limited to a virtual visit. Exhibits entered into the record by Mr. Berkowitz. The Cross examination of Dr. Wolkowicz followed by Mrs. Levy.

The meeting was recessed at 9:55 AM to 10:06 Am.

Mr. Berkowitz called Mr. LaFrance as the next witness. During the testimony, Mr. LaFrance acknowledged his asthma and scoliosis but denied having knowledge of tuberculous (TB).

¹ Attended Remotely.

² On March 10, 2023.

³ After being sworn in by the court reporter.

⁴ Mr. Sean Williams, Trustee.

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Mr. Levy began cross examination of Mr. LaFrance. During the examination, Mrs. Levy referred to question number 4 of the interrogatory that Mr. LaFrance confirmed he completed⁵.

Question - 4. Please specifically describe any and all previous conditions that you have had, even though they may not be directly associated with the condition on which your claim is based. For each condition, provide the following (attach a separate sheet if necessary): Response on interrogatory – None.

- a. Specifically when you had the condition. Response on interrogatory - N/A
- b. Names, addresses and phone numbers of all health care providers with whom you have consulted or who treated you. Response on interrogatory -N/A
- c. The diagnosis. Response on interrogatory - N/A
- d. The prognosis. Response on interrogatory - N/A
- e. Dates of treatment. Response on interrogatory -N/A
- f. Nature of treatment. Response on interrogatory - N/A
- g. Medications prescribed Response on interrogatory - N/A
- h. Names, addresses and telephone numbers of all persons who may have knowledge of such condition. Response on interrogatory - N/A

Mrs. Levy referred to question number 6 of the interrogatory that Mr. LaFrance confirmed he completed.

6. Have you been involved in an automobile or other vehicular accident requiring medical treatment? If so, please provide: Response on interrogatory - No.

Mrs. Levy cited that Mr. LaFrance was in a motor vehicle accident in 2015.

Mr. LaFrance admitted it was his mistake when he provided the foregoing responses.

Mr. Berkowitz asked Mr. LaFrance if English was his second language, which he confirmed.

Mrs. Levy cited that Mr. LaFrance wrote and published multiple books in English, which Mr. LaFrance said he relied upon ChatGPT.

Mrs. Levy presented entered exhibits on behalf of the Board.

Dr. Faridani was then called as a witness on behalf of the Board. Dr. Faridani conducted the in-person independent medical examination (IME) of Mr. LaFrance. Dr. Faridani testified to his findings, based on all the medical records and his IME results. Dr. Faridani testified that Mr. LaFrance recovered COVID. Dr. Faridani indicated that based on the medical records and his examination, Mr. LaFrance is afflicted with asthma and scoliosis and latent tuberculous (TB). Cross examination followed by Mr. Berkowitz.

Closing statements then ensued by both parties.

Mrs. Jensen asked Mr. Berkowitz if he had any further evidence for the Board to consider, which he did not. Mrs. Jensen asked Mr. Berkowitz if he and Mr. LaFrance were treated fairly in this matter, which he replied they were.

⁵ I hereby certify that the above statements are true and correct to the best of my knowledge. I understand that a false statement may disqualify me for benefits.

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Mrs. Jensen explained the issue before the Board is to simply to determine if the disability was duty related or not. Mrs. Jensen reminded all present that the burden was on Mr. LaFrance to prove it was duty related.

A round robin discussion ensued amongst the trustees and at the conclusion, Mr. Sean Williams made the motion to affirm the Board's original decision that the disability of Mr. LaFrance is non-duty related. Mrs. Fragakis seconded the motion. Motion carried 3-0.

Mrs. Jensen reflected that a formal order would follow and will be provided to Mr. LaFrance and Mr. Berkowitz.

OPEN DISCUSSION

No open discussion ensued.

ADJOURNMENT

Being there was no other business; the meeting was adjourned by motion at 12:41 PM.

Next meeting is scheduled for December 13, 2024, at 8:30 AM.

A handwritten signature in black ink, appearing to read 'Troy Marchese', is enclosed in a thin black rectangular border.

Troy Marchese, Board Secretary