

Meeting Minutes

Public Safety Police Personnel Retirement Board

Regular Meeting

June 28, 2023 | 9:00 a.m.
City Hall, 2nd Floor,
Medium Conference Room
175 S. Arizona Avenue., Chandler, AZ



Call to Order

The meeting was called to order by Chairperson Turner at 9:02 a.m.

Roll Call

Board Attendance

Chairperson Steven Turner
Citizen Member Bill Crawford
Police Member Elect Daniel Shellum
Police Member Elect Raymond Kieffer

Staff Attendance

Nichole Bombard, Medical Leave Coord.
Christine Jarosik, Medical Leave Coord.

Others Present

Andrew Apodaca, Board Attorney

Absent

Citizen Member Valerie Remington

Scheduled and Unscheduled Public Appearances

Consent Agenda and Discussion

1. June 7, 2023, Chandler Local Police Public Safety Personnel Retirement Board Minutes

Consent Agenda Motion and Vote

Police Member Elect Shellum moved to approve the Consent Agenda of the June 28, 2023, Regular Public Safety Police Personnel Retirement Board Meeting; Seconded by Police Member Elect Kieffer.

Motion carried unanimously (4-0).

Executive Session - Pursuant to A.R.S. Section 38-431.03 (A), the Chandler Local Police Public Safety Personnel Retirement Board may vote to convene in executive session to discuss or consider confidential records exempt by law from public inspection, and/or to consult with the Board's attorney for legal advice and to consider the Board's position and to instruct the Board's attorney regarding its position on item 2-3. The Board will take action on those items in open session.

Action Agenda Item No. 2 and Discussion

2. Application for Accidental Disability Englert

Consideration, Discussion, and Appropriate Action regarding the Application for an Accidental Disability for Robert Englert

Mr. Englert and his attorney, Kathryn Bailie, were given an opportunity to make a statement to the Board.

Executive Session – Chairperson Turner asked for a motion to end the Open Session and to move into Executive Session for legal advice. Police Member Elect Shellum made a motion to end the Open Session and to move into Executive Session for legal advice in matter Action Agenda Item No. 2-3. Police Member Elect Kieffer seconded the motion, and the vote was unanimous to end the Open Session and move into Executive Session at 9:05 a.m.

Open Session – Chairperson Turner asked for a motion to end the Executive Session and move into Open Session. Police Member Elect Shellum made the motion to end the Executive Session and to move into Open Session; Police Member Elect Kieffer seconded the motion, and the vote was unanimous to end the Executive Session and move into Open Session at 9:27 a.m.

Action Agenda Item No. 2 Motion and Vote

Police Member Elect Shellum moved to approve the application for accidental disability for Robert Englert based on a finding that:

- A) The IME report of Dr. John R. Walker PhD dated 5/17/23 included Dr. Walker's in person examination of Mr. Englert, and that report was reviewed by Dr. Joel E. Parker, dated 6/7/23;

- B) The IME reports of Dr. John R. Walker PhD dated 5/17/23, and Dr. Joel E. Parker, MD dated 6/7/23 should be treated as a “panel IME” and therefore one indivisible report;
- C) The IME report of Dr. Joel E. Parker, MD dated 6/7/23, and the Accidental Disability Questionnaire completed by Dr. Parker on June 12, 2023, both clearly indicate that Mr. Englert can prove all statutory elements of an accidental disability;
- D) There are no conflicts in medical evidence that require Board review;
- E) While Dr. Parker is not definitive about the permanency of Mr. Englert’s condition, I find his opinions to be reasonably certain to a degree of medical probability and find that this Board is not expected to be able to predict future improvement in a disabled Member’s condition.

Agenda Item No. 2 of the June 28, 2023, Regular Public Safety Police Personnel Retirement Board;
Seconded by Police Member Elect Kieffer.

Motion carried unanimously (4-0)

Action Agenda Item No. 3 and Discussion

3. Application for Accidental Disability Moore

Consideration, Discussion, and Appropriate Action regarding the Application for an Accidental Disability for Michael Moore

Action Agenda Item No. 3 Motion and Vote

Police Member Elect Shellum acknowledge that he was previously the direct supervisor of Michael Moore ending in February 2022; however, he does not feel that it will be a personal conflict and will not recuse himself from the vote.

Police Member Elect Shellum moved to acknowledge receipt of the Accidental Disability application filed by Michael Moore on May 25, 2023, so as to satisfy the Local Board’s obligations under A.R.S. §38-847(D)(3) and Section E(4) of the Model Rules and to table Mr. Moore’s Accidental Disability application so that appropriate medical records can be obtained; and to table Mr. Moore’s Accidental Disability application so that he may be evaluated by doctor(s) of the Board’s choice in the appropriate specialties for his claims, pursuant to A.R.S. sections 38-859 (A, C - E), as to any and all disabling condition(s) which may be supported by the evidence.;

Agenda Item No. 3 of the June 28, 2023, Regular Public Safety Police Personnel Retirement Board; Seconded by Police Member Elect Kieffer.

Motion carried unanimously (4-0)

Action Agenda Item No. 4 and Discussion

4. Membership Termination for Malone

Consideration, Discussion, and appropriate Action regarding the probationary termination and termination of PSPRS membership for Leroy Malone (a Police Officer Lateral Certified) effective June 15, 2023.

Action Agenda Item No. 4 Motion and Vote

Police Member Elect Shellum moved to terminate the PSPRS membership for Leroy Malone (a Police Officer Lateral Certified) effective June 15, 2023, the date of his probationary termination.; Agenda Item No. 4 of the June 28, 2023, Regular Public Safety Police Personnel Retirement Board; Seconded by Police Member Elect Kieffer.

Motion carried unanimously (4-0)

Member Comments/Announcements

Calendar

5. Next Meeting

The next meeting will be held on Wednesday, August 2, 2023, at City Hall, 2nd Floor, Training Room B, 175 S. Arizona Ave, Chandler AZ at 9:00 a.m.

Informational Items

6. Board Reports

- a. Police Board DROP Report
- b. Police Board Billing Report
- c. PSPRS Police Board Action Reports
 - Normal Retirements
 - DROP
 - Disability Retirements
 - Military Leave
 - Service Purchase

Adjourn

Chairperson Turner moved to adjourn the meeting; seconded by Police Member Elect Shellum carried unanimously (4-0). The meeting was adjourned at 9:34 a.m.

Nichole Bombard, Secretary

Steve Turner, Chairperson