

Meeting Minutes

Public Safety Police Personnel Retirement Board Regular Meeting

December 6, 2023 | 9:00 a.m.
Council Chambers Conference Room
88 E Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Chairperson Turner at 9:01 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. November 1, 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 December 6, 2023, Regular Public Safety Police Personnel Retirement Board Meeting; Seconded by Citizen Member Elect Crawford.

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 items 2-4. The Board will take action on those items in open session.

Action Agenda Item No. 2 and Discussion

2. Application for Accidental Disability O'Neill

Consideration, Discussion, and Appropriate Action regarding the Application for an Accidental Disability for Mary (Molly) O'Neill.

Action Agenda Item No. 2 Motion and Vote

Ms. O'Neill's attorney, Cassidy Bacon, was given an opportunity to make a statement to the Board.

Police Member Elect Shellum moved to approve the application for Accidental Disability for Mary O'Neill for the following reasons:

The Medical Board reports from Dr. Parker dated October 27, 2023, finds that Ms. O'Neill can satisfy all statutory requirements for an Accidental Disability.

The P5-LB-A Accidental Disability questionnaire completed by Dr. Parker dated November 2, 2023, finds that Ms. O'Neill can satisfy all statutory requirements and there are no conflicts in medical evidence that require Board evaluation; Agenda Item No. 2 of the December 6, 2023, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Crawford.

Motion carried unanimously (4-0)

Action Agenda Item No. 3 and Discussion

3. Application for Accidental Disability Hancock

Consideration, Discussion, and Appropriate Action regarding the Application for an

Accidental Disability for Shawn (Allen) Hancock.

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 Keiffer made a motion to end the Open Session and to move into Executive Session for legal advice in matter Action Agenda Item No. 3-4. Police Member Elect Shellum 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 9:51 a.m.

Action Agenda Item No. 3 Motion and Vote

Police Member Elect Shellum moved to request that an evidentiary hearing be convened, so the Board may hear witnesses on the factual question(s) of whether:

1. Lieutenant Hancock’s employment was “terminated by reason of accidental disability,” and;
2. whether his disabling condition(s) was/were “incurred in the performance of the employee’s duty,” as legally defined by A.R.S. sections § 38-844 (B), and/or § 38-842 (1), and any other applicable Workers’ Compensation definitions and case law regarding his injury at issue; Agenda Item No. 3 of the December 6, 2023, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Crawford.

Motion carried unanimously (4-0)

Action Agenda Item No. 4 and Discussion

4. **Application for Accidental Disability Moore**
Review and Consideration of Conflict in medical testimony regarding the Application for an Accidental Disability for Michael Moore.

Action Agenda Item No. 4 Motion and Vote

Police Member Elect Shellum moved to find that in response to concerns raised by PSPRS regarding the temporary disability the Board previously granted to Michael Moore, moved that we make the following findings regarding conflicting medical testimony.

Dr. Parker notes the presence of a conflict in medical evidence in his 10/27/23 responses on forms P5-LB-T, P5-LB-O, and P5-LB-A; however, his Addendum report dated 10/7/23 does not point to specific conflicts in medical evidence. Dr. Parker only references uncertainty about whether Mr. Moore would be able to continue serving in a PSPRS eligible position if he can work in a non-weapon carrying capacity. To the extent this represents a conflict in medical testimony, the Board finds that the carrying of a duty weapon is a requirement of any Police officer with the City of Chandler.

Dr. Parker also notes the presence of a conflict in medical evidence in his 8/16/23 responses on form P5-LB-A. In his original report dated 8/11/23 Dr. Parker notes on pg. 21 that "There are substantial conflicts in the medical evidence, including the absence of all of the psychiatric records, and the grossly exaggerated psychological testing." I find that there is no current conflict in medical evidence about an absence of medical records, as I find that Dr. Parker has since been provided with complete medical records for Mr. Moore;

Finally, I move to affirm our previous decision to grant a temporary disability to Mr. Moore. the Agenda Item No. 4 of the November 1, 2023, Regular Public Safety Police Personnel Retirement Board; Seconded by Citizen Member Crawford.

Motion carried unanimously (4-0)

Member Comments/Announcements

Calendar

5. Next Meeting

The next meeting will be held on Wednesday, January 3, 2024, at City Hall, Council Chambers Conference Room, 88 E Chicago St., 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

7. **Member Updates**

- Lieutenant Jesus Deanda, Enter DROP January 27, 2024
- Officer Brian Morgenthaller, Enter DROP January 29, 2024

Adjourn

Chairperson Turner asked for a motion to adjourn. Police Member Elect Shellum moved to adjourn the meeting; seconded by Police Member Elect Kieffer carried unanimously (4-0). The meeting was adjourned at 9:59 a.m.

Nichole Bombard, Secretary

Steve Turner, Chairperson