

Fire Public Safety Personnel Retirement Board

Goodyear City Hall - La Jolla Vista Conference Room (2nd floor)

1900 N. Civic Square

Goodyear, AZ 85395



Thursday, August 24, 2023

8:00 a.m.

Meeting Minutes

CALL TO ORDER

Chair Kaino called the Fire Public Safety Personnel Retirement Board meeting to order at 8:07 a.m.

ROLL CALL

Present: Chair Laura Kaino; Board Member Patrick Doyle; Boardmember Jay Mathias;
Boardmember Liam Tierney

Absent: Vice Chair Michael Stewart

Staff Board Secretary Darcie McCracken; Board Attorney Lesli Sorensen
Present:

Attendees: Kathryn Baillie, Attorney for Applicant; Kenneth Heng, Applicant (attended virtually);
Chi Herrington, Total Compensation/HRIS Manager; Court Reporter Kristen Wunsch;
Chanda Washington, Benefits Analyst, (attended virtually)

[Board Member Doyle attended virtually.]

MOTION BY Boardmember Liam Tierney, **SECONDED BY** Boardmember Jay Mathias to
EXCUSE Vice Chair Michael Stewart. The motion carried as follows:

AYE: Chair Laura Kaino, Board Member Patrick Doyle, Boardmember Jay Mathias,
Boardmember Liam Tierney

Passed - Unanimously

PUBLIC COMMENTS

There were no public comments.

BUSINESS

1. APPROVAL OF MINUTES

Approve the draft minutes of the July 27, 2023 Fire Public Safety Personnel Retirement Board meeting.

MOTION BY Boardmember Liam Tierney, **SECONDED BY** Board Member Patrick Doyle to APPROVE the minutes of the July 27, 2023 Fire Public Safety Personnel Retirement Board meeting. The motion carried as follows:

AYE: Chair Laura Kaino, Board Member Patrick Doyle, Boardmember Jay Mathias,
Boardmember Liam Tierney

Passed - Unanimously

2. Review, consideration and possible action on the application and medical records for Disability - Kenneth Heng (last reviewed on March 23, 2023)

Chair Kaino reviewed the history of the case including the dates that the Board met and reviewed the case and the requests for additional information.

Kathryn Baillie of Napier, Baillie, Wilson, Bacon and Tallone, attorney for the applicant, reviewed the medical history of the applicant noting that she provided a Memo from Colonel Henry Schwartz, Department of the Air Force, saying the applicant was not eligible for a military disability. She also noted that Dr. Kassman provided a letter addressing the surgery and that it stemmed from the knee twist from 2019 and not the military injury. She emphasized that but for the injury in 2019, Mr. Heng would not have needed the multiple surgeries on his knee and would not have had to retire from the fire service.

Lesli Sorensen, Board Attorney, clarified that the letter from the Air Force said he wasn't eligible right now. Ms. Baillie disagreed and said Mr. Heng would not be able to ever go back to the Air Force for a disability that occurred in 2019 in Goodyear.

Ms. Sorensen asked if Colonel Schwartz had the IME Report when he wrote the memo. Mr. Heng responded that the Colonel did not have the IME.

Ms. Baillie produced a second memo from Colonel Schwartz that was not signed or dated.

Ms. Sorensen reviewed the letter from Dr. Kassman and pointed out that the letter said that underlying osteoarthritis was aggravated by the twisting and there is no dispute there is arthritis.

Ms. Baillie argued that it did not matter that Mr. Heng has arthritis for the purposes of this Board.

The Board moved into Executive Session at 8:46 a.m.

Chair Kaino reconvened the Fire Public Safety Personnel Retirement Board at 9:12 a.m.

MOTION BY Boardmember Liam Tierney, **SECONDED BY** Board Member Patrick Doyle to TABLE the application for Accidental Disability pending a response from Dr. Farber; further, asking Dr. Farber for a review of the documents supplied by the applicant and a response to questions. The motion carried as follows:

AYE: Chair Laura Kaino, Board Member Patrick Doyle, Boardmember Jay Mathias,
Boardmember Liam Tierney

Passed - Unanimously

EXECUTIVE SESSION

Per ARS §38-431.03, upon a public majority vote of the members constituting a quorum, the Goodyear Fire Public Safety Personnel Retirement Board may hold an executive session for any item on the agenda.

[See times noted above in Item #2.]

MOTION BY Boardmember Jay Mathias, **SECONDED BY** Boardmember Liam Tierney to CONVENE an Executive Session. The motion carried as follows:

AYE: Chair Laura Kaino, Board Member Patrick Doyle, Boardmember Jay Mathias,
Boardmember Liam Tierney

Passed - Unanimously

SEPARATIONS

3. Tanner Spallina - 7/20/23

The Board acknowledged the separation.

INFORMATION ITEMS

Chair Kaino spoke about the process maps for accidental disability and new hires being completed. She requested a future joint meeting to discuss them.

NEXT MEETING

The next Fire Public Safety Personnel Retirement Board meeting is tentatively scheduled for October 5, 2023.

ADJOURNMENT

There being no further business to discuss, Chair Kaino adjourned the meeting at 9:18 a.m.

Respectfully Submitted by:

Darcie McCracken, Board Secretary

Laura Kaino, Chairman

Date:_____

