

**Sun Lakes Fire District
Public Safety Personnel Retirement System (PSPRS)
Local Board
Meeting Minutes
April 14, 2011**

Call to Order:

The regular meeting of the PSPRS Local Board was called to order by Board Chair Sellers at 9:00 A.M.

Roll Call of PSPRS Local Board Members:

Board Members Sellers, Van Horn, Watkins and Rock were present. Board Member Weiner was absent due to illness. Others in attendance included Fire Chief Wilson and Human Resource Administrator Smith, Attorney Cynthia Kelley (representing PSPRS Local Board), Applicant Byron Bogenhagen and Union Local 3560 Vice President Bennett.

New Business

1. Discussion and Possible Action to Adopt the Sun Lakes Fire District PSPRS Local Board Procedures

Atty. Kelley reviewed the changes made to the SLFD PSPRS Local Board Procedures.

It was moved by Board Member Rock to adopt the Sun Lakes Fire District PSPRS Local Board Procedures Revised as presented. The Motion was seconded by Board Member Watkins. There was no further discussion. The Motion passed unanimously with no abstentions.

2. Conduct a Rehearing of the medical evidence provided by the independent medical examiner and/or applicant, reference Accidental Disability Application by Byron Bogenhagen, as provided in A.R.S. 38-859 to review the physician's evaluation of the member's eligibility for an accidental disability pension.

Chief Wilson explained that Byron Bogenhagen had submitted a written request for this rehearing which included new evidence that Mr. Bogenhagen wanted the Board to consider.

Board Member Rock introduced Union Local Vice President Bennett as Mr. Bogenhagen's representative.

Mr. Bogenhagen recounted how the knee injury occurred to him noting the new evidence. He also passed around documentation that had not been presented before

this time. Mr. Bogenhagen explained why he had waited until the day of the meeting to present this evidence citing slow mail.

Chief Wilson explained the requirements of A.R.S. 38-859 that require all information to be considered at hearing be presented prior to the hearing. He noted that the Board need not consider this material at this hearing but could continue the hearing at a future time after the Board Members had time to review the new material.

There was some discussion about the procedure with no conclusion.

Mr. Bogenhagen was asked to explain why this new material should change the decision of the Board.

3. Possible Adjournment to Executive Session (Closed Meeting).

Atty. Kelley recommended that the Board go into Executive Session for the purpose of discussion of the case with Counsel.

4. Possible Adjournment to Executive Session (Closed Meeting)

Board Chair Sellers declared the meeting to be in Executive Session for discussions with Counsel.

Chief Wilson, V.P. Bennett and Applicant Bogenhagen left the room. The entire Board, Attorney Kelley and Local Board Secretary Smith remained in the room. Board Chair Sellers declared the meeting to be in Executive Session.

5. Executive Session. Discussion with Legal Counsel as provided in A.R.S. 38-859, on the Accidental Disability Application by Byron Bogenhagen.

6. Reconvene Regular Meeting (Open Session).

Board Chair Sellers declared the meeting to be in Open Session at 9:40 A.M.

7. Reportable Action from the Executive Session (if any).

Board Chair Sellers asked if there were any other questions. There were none.

Board Member Rock related to Mr. Bogenhagen that the Board did not see any new evidence that would cause them to reconsider their previous decision. The Board reiterated their belief that the knee injury was the result of an Off-Duty injury. Several Members of the Board stated that the Board was not disputing that Mr. Bogenhagen was disabled. However, all evidence received by the Board including the opinions of two independent medical examiners concludes that the Knee Injury was not the result of a job related injury.

8. Discussion and Possible Action to Approve or Deny the Accidental Disability Retirement of Byron Bogenhagen, with an effective date of January 21, 2011.

Board Member Rock moved that the Board deny Mr. Bogenhagen's request for a continuance and uphold the March 3, 2011 denial of Mr. Bogenhagen's Accidental Disability Retirement application. The Motion was Seconded by Board Member Van Horn. There was no further discussion. The Motion passed unanimously with no abstentions.

Mr. Bogenhagen asked what was next. Chief Wilson and Atty. Kelley explained the action of the Board was final and without appeal unless the applicant chooses to pursue litigation in Civil Court against the Local Board.

Board Member Comments.

Board Chair Sellers stated that Mr. Bogenhagen had two options at this point. The first was to apply for an Ordinary Disability Retirement and the second was to apply for a Normal Retirement. Chief Wilson briefly explained each type of retirement and the requirements to qualify for each.

Mr. Bogenhagen indicated he planned to submit an accidental disability application for his hand injury.

There were no further comments.

Adjournment.

There was no further business to legally come before the meeting, therefore, Board Chair Sellers declared the meeting adjourned at 10:00 A.M.

Respectfully submitted,



Barbara Smith,
Board Secretary
BS/geh