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BEFORE
THE RETIREMENT BOARD
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF)
MEETING NO. 1096)

STENOGRAPHIC REPORT OF PROCEEDINGS had at
the videoconference meeting of the above-entitled
matter, held at 20 South Clark Street, Suite 300,
in the City of Chicago, County of Cook, State of
Illinois, on March 16, 2022, commencing at the hour
of 8:30 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

BRADY O'CONNELL, Callan Associates

DANIEL G. SAMO, M.D., Board Physician

1 CHAIRMAN FORTUNA: I hereby convene the
2 Board of Trustees meeting for March 16, 2022.

3 Please, Mr. Secretary, roll call.

4 MEMBER MURPHY: Trustee Martin.

5 MEMBER MARTIN: Here.

6 MEMBER MURPHY: Trustee Sheridan.

7 MEMBER SHERIDAN: Here.

8 MEMBER MURPHY: Trustee Tebbens.

9 MEMBER TEBBENS: Here.

10 MEMBER MURPHY: Trustee Fortuna.

11 CHAIRMAN FORTUNA: Here.

12 MEMBER MURPHY: I am here. We have a
13 quorum.

14 CHAIRMAN FORTUNA: Thank you, we have a
15 quorum for today's meeting.

16 Public Act 101-0640 allows this meeting
17 to be conducted by audio and video conference. The
18 Act requires a roll call vote on each matter acted
19 upon.

20 Further consistent with Public Act
21 101-0640, for the record, I am physically present
22 at the Fund's office with Board Secretary and
23 Executive Director and our attorney. We have
24 posted notice of this meeting in accordance with

1 the Open Meetings Act and the meeting is being
2 recorded. A transcript of this proceeding will be
3 prepared and ultimately, after approval, will be
4 made available on the Fund's website.

5 Also consistent with Public Act 91-0715
6 and reasonable constraints determined by the Board
7 of Trustees at each regular board meeting of the
8 Board or its committees that is open to the public,
9 members of the public may request a brief time to
10 address the Board on relative matters.

11 Are there any requests for public comment
12 this morning?

13 MR. WELLER: Since we have several calls
14 in on this meeting this morning, for public
15 comment, if you wish to make comment, press star
16 nine. In the order that you press star nine, if
17 you are ready to speak, press star six. Give
18 everybody a minute.

19 Chris, do you have anybody who has
20 identified that they would like to speak?

21 MR. MORALES: Nothing as of right now.

22 MR. WELLER: This is the last call. If
23 there is anybody that would like to speak, press
24 star nine.

1 MR. PHILLIPS: My name is Mark Phillips.
2 You can hear me okay?

3 MR. WELLER: Yes, we can hear you, Mr.
4 Phillips.

5 MR. PHILLIPS: Okay. From my
6 understanding, this is a hearing to determine if I
7 am to be suspended from medical benefits for
8 noncompliance when I haven't received a phone call
9 since November when I received the first letter.

10 The first letter I received came with two
11 letters. One actually was mailed supposedly in
12 October which I never received. In November, I had
13 Covid which I was calling to let them know but
14 nobody called me back. In December, my daughter
15 had it.

16 I went to the doctor and got a note and
17 they said it wasn't enough so I went to where I had
18 got treatment. They said that wasn't enough but it
19 is ongoing nonstop pain. I have other illnesses
20 that are going on, a cancer scare, and other
21 things.

22 I am a little upset that I haven't got a
23 phone call back from my pension board in five
24 months and then I get letters that are threatening

1 they seem in nature and I take a big offense to
2 that considering my career track.

3 So this seems like a kangaroo situation
4 to me. Nobody told me exactly what it was that I
5 needed to obtain for you. I called to get that
6 information but I keep getting threatening letters
7 they say.

8 As I progressively give you information,
9 you keep sending me threatening letters with dates
10 that I can't complete. My appointments don't set
11 up on the dates that the Board wants me to make
12 them by so I have to call and make those
13 appointments and then I have to wait. I don't know
14 if you know what is going on but appointments don't
15 happen the next day as of now. So I am not
16 understanding.

17 CHAIRMAN FORTUNA: I am going to let the
18 attorney speak to you right now.

19 MS. BURNS: Mr. Phillips, my name is Mary
20 Patricia Burns and I am one of the attorneys for
21 the Fund.

22 We understand your public comment. You
23 are correct, your matter was on the Agenda for
24 today for the Board to possibly suspend your

1 benefits.

2 The reason for that is you are required
3 by law under the Illinois Pension Code to be
4 reexamined and to provide updated medical
5 information to the Fund.

6 Now that you are --

7 MR. PHILLIPS: I am aware.

8 MS. BURNS: We are not going to engage in
9 back and forth. What we will tell you is that it
10 is going to be our recommendation that the Board
11 continue your matter for a month to allow you to
12 obtain that medical evidence consistent with
13 communications that you have had with the Firemen's
14 Fund staff in the last few days.

15 So you will have some time to do that and
16 get the medical records that they need and they
17 will be in contact with you following today's
18 meeting to be very clear on what it is that the
19 Board needs.

20 MR. PHILLIPS: Why did it take five
21 months for me to obtain this information?

22 MEMBER TEBBENS: Mark, this is Trustee
23 Tebbens. If I can ask you a question, who have you
24 spoken with on the Board about your issue?

1 CHAIRMAN FORTUNA: Rob, this is public
2 comment. We are not going to engage in this.

3 MEMBER TEBBENS: Okay. Mark, look me up
4 on Facebook, or my email, please, and get a hold of
5 me. I would like to look into your matter.

6 MR. PHILLIPS: Can you give me an answer?

7 MS. BURNS: Then, Trustee Tebbens, are
8 you going to recuse yourself from having any vote
9 when this matter comes up because the process has
10 to be respected of you being an impartial decision
11 maker.

12 I do think that staff here has a
13 different version of the facts. I am happy to deal
14 with you, Trustee Tebbens, and give you all of the
15 background from the Fund's perspective and then we
16 can ask Mr. Phillips if he would like to put it in
17 writing so that every trustee has it. You really
18 can't step outside without causing a conflict.

19 MEMBER TEBBENS: Mary Pat, with all due
20 respect, I am elected by the members. You have
21 informed me of my fiduciary responsibilities. I am
22 well aware of those.

23 This is an administrative matter. I have
24 a number of administrative matters that I would

1 like to talk to this Fund about. I will bring them
2 up in Executive Session later but I have some grave
3 concerns and Mr. Phillips is just only compounding
4 my concerns. It is administrative in nature. It
5 is not pertaining to his case. I wanted to know
6 who he talked to.

7 MS. BURNS: We will help you get that
8 information, but to keep you to be an independent
9 decision maker, if you bring those concerns that
10 you have, which are valid, to the Board and not
11 through the member, we will help you with that in
12 any way we can to get the information that you
13 need.

14 MEMBER TEBBENS: I represent the members
15 and I am elected by the members of my membership to
16 represent them and I will do that. Thank you, Mary
17 Pat.

18 MS. BURNS: Again, I will just remind
19 you, sir, that you don't represent the members.
20 You are elected by them but you represent the
21 entire Pension Code and all the members of the Fund
22 under the Marconi decision and your obligations are
23 to the Fund as a whole.

24 MEMBER TEBBENS: I have to make sure that

1 this is administratively taken care of and they are
2 being served properly, okay. Everybody on the
3 staff works for this board, including legal,
4 including medical. I don't need to remind you of
5 that. I am sure you are well aware of that, Mary
6 Pat.

7 MS. BURNS: I am very aware.

8 MEMBER CONYEARS-ERVIN: Good morning,
9 everyone.

10 MEMBER SONI: Trustee Soni is here as
11 well.

12 MEMBER VALENCIA: I am here, too.

13 CHAIRMAN FORTUNA: Thank you.

14 Rob, I am going to lose the quorum. Let
15 me get moving here. Thank you.

16 MS. BURNS: Mr. Phillips, we will be back
17 in touch with you.

18 MR. WELLER: Are there any other raised
19 hands, Chris?

20 MR. MORALES: No.

21 MR. WELLER: We are going to leave Public
22 Comment and move on to the rest of the meeting, Mr.
23 President.

24 CHAIRMAN FORTUNA: Let the record reflect

1 that Trustee Soni, Trustee Conyears-Ervin and
2 Trustee Valencia are now here in the meeting.

3 MEMBER MURPHY: Thank you, Mr. President.
4 I'd like to first turn to the approval of
5 Administrative Items.

6 Approval of the Minutes, Regular Audio
7 Meeting February 16, 2022 Board open and closed
8 Minutes. February 15, 2022 Investment Committee
9 Minutes. The Regular Audio Transcript of February
10 16, 2022. The February 15, 2022 Investment
11 Committee Transcript.

12 I would like to make a motion to approve
13 the open and closed Minutes for the February 16,
14 2022 Board meeting and the audio transcript for
15 that meeting and the open Minutes and audio
16 transcript for the February 15, 2022 Investment
17 Committee meeting and to keep those closed session
18 Minutes closed.

19 MEMBER MARTIN: Second.

20 CHAIRMAN FORTUNA: There's a motion by
21 Trustee Murphy. Seconded by Trustee Martin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to B, I'd like

16 to make a motion to approve the Minimum Formula

17 Annuities starting with Member 16092 and ending

18 with Member 13971.

19 MEMBER SONI: Second.

20 CHAIRMAN FORTUNA: There is a motion by

21 Trustee Murphy. Seconded by Trustee Soni.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to C, I would

16 like to make a motion to approve the Widow's

17 Annuities starting with Member 10084 through Member

18 08934.

19 MEMBER MARTIN: Second.

20 CHAIRMAN FORTUNA: There is a motion by

21 Trustee Murphy. Seconded by Trustee Martin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to D, Refunds.

16 I would like to make a motion to approve the

17 Refunds for Member 19322.

18 MEMBER CONYEARS-ERVIN: Second.

19 CHAIRMAN FORTUNA: There is a month for

20 Refund by Trustee Murphy. Seconded by Trustee

21 Conyears-Ervin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to E, I would

16 like to make a motion to approve the Death Benefits

17 for Member 11194 through Member 15634.

18 MEMBER TEBBENS: Second.

19 CHAIRMAN FORTUNA: There is a motion by

20 Trustee Murphy. Seconded by Trustee Tebbens.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

1 CHAIRMAN FORTUNA: Trustee
2 Conyears-Ervin.
3 MEMBER CONYEARS-ERVIN: Yes.
4 CHAIRMAN FORTUNA: Trustee Soni.
5 MEMBER SONI: Yes.
6 CHAIRMAN FORTUNA: Trustee Martin
7 MEMBER MARTIN: Yes.
8 CHAIRMAN FORTUNA: Trustee Tebbens.
9 MEMBER TEBBENS: Yes.
10 CHAIRMAN FORTUNA: Trustee Valencia.
11 MEMBER VALENCIA: Yes.
12 CHAIRMAN FORTUNA: I am a yes.
13 Motion carries.
14 MEMBER MURPHY: Under F, Partial
15 Payments. I would like to make a motion to approve
16 Partial Payments beginning with Member 07873
17 continuing through to Member 10121.
18 MEMBER SHERIDAN: Second.
19 CHAIRMAN FORTUNA: There is a motion by
20 Trustee Murphy. Seconded by Trustee Sheridan.
21 Trustee Murphy.
22 MEMBER MURPHY: Yes.
23 CHAIRMAN FORTUNA: Trustee Sheridan.
24 MEMBER SHERIDAN: Yes.

1 CHAIRMAN FORTUNA: Trustee
2 Conyears-Ervin.

3 MEMBER CONYEARS-ERVIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee Martin

7 MEMBER MARTIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

14 MEMBER MURPHY: Under G, Benefit

15 Recalculations. There are none this month.

16 Moving on to H, Guardianship. There are

17 two this month for Member 05685 and Member 09261.

18 I'd like to make a motion to grant guardianship in

19 these matters, based on the staff's confirmation

20 that all the paperwork required by the Fund has

21 been received.

22 MEMBER VALENCIA: Second.

23 CHAIRMAN FORTUNA: There is a motion by

24 Trustee Murphy. Seconded by Trustee Valencia.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Martin

11 MEMBER MARTIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Under 2, Reside Out of

19 State. We have a request to permit Member 15064 to

20 Reside Out of State. I'd like to make a motion.

21 MEMBER SONI: Second.

22 CHAIRMAN FORTUNA: There is a motion by

23 Trustee Murphy. Seconded by Trustee Soni.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Removals. I would like
18 to make a motion to approve the Removals starting
19 with Thomas Jacques and ending with James Sampson.

20 MEMBER MARTIN: Second.

21 CHAIRMAN FORTUNA: There is a motion for
22 Removals by Trustee Murphy. Seconded by Trustee
23 Martin.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee Martin

7 MEMBER MARTIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

14 MEMBER MURPHY: Under Administrative and

15 Court Orders, I would like to make a motion to

16 approve the QILDRO order listed on the docket for

17 Member 016355, based on the staff's confirmation

18 that all the paperwork required by the Fund to

19 process said order has been received.

20 MEMBER TEBBENS: Second.

21 CHAIRMAN FORTUNA: There is a motion by

22 Trustee Murphy. Seconded by Trustee Tebbens.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.

2 MEMBER SHERIDAN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: I am a yes.

12 Motion carries.

13 MEMBER MURPHY: At this point I'd like
14 to, due to time constraints, step out of order and
15 move on to underneath the Operating Cash and
16 Expenses section. I would like Mary Pat here to
17 talk about consideration regarding 2021
18 contributions and intercept filing.

19 CHAIRMAN FORTUNA: We are going to come
20 out of the regular order of business.

21 MS. BURNS: Just by way of explanation
22 for the Trustees, this is seeking approval as we do
23 every year to allow us, if Jackie tells us by the
24 end of March that we have not received all

1 contributions due to the Fund from the City for the
2 year 2021, that we would be authorized at that
3 point to make a demand on the City and then to file
4 the necessary intercept paperwork with the State
5 Comptroller.

6 What that allows us to do under law is to
7 be able to intercept payments so that the Fund
8 receives the payments due it from the City.

9 The reason we are asking for this
10 approval at this time, as we do every year, is to
11 allow us to take the action in a timely manner
12 after March 31st because the way the State
13 Comptroller interprets the law the first fund in is
14 the first fund that gets paid.

15 So, if there are not enough funds there,
16 we want to make sure that we do everything
17 fiduciarly prudent to make sure that we are first
18 in line.

19 Now we have every reason to believe, and
20 I see Jackie is on the screen and she can address
21 this, but every reason to believe that we will
22 receive the funding from the City. But in case we
23 don't, we need the authority to able to take the
24 action to effectuate the intercept for 2021.

1 MEMBER MARTIN: Mr. President, I am well
2 aware of this issue. I think most of the Trustees
3 are, too. I would just like to make a motion to
4 approve.

5 MEMBER MURPHY: Second.

6 CHAIRMAN FORTUNA: There is a motion to
7 approve by Trustee Martin. Seconded by Trustee
8 Murphy.

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes, but I wanted to make
19 one comment and just to say from the City's side,
20 our intention is to make that payment before the
21 end of the month.

22 MEMBER MARTIN: Outstanding.

23 MEMBER SONI: But, yes, my vote is yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes. Thank you,
2 Reshma. I trust her to do that.

3 MEMBER SONI: Thank you.

4 CHAIRMAN FORTUNA: I vote yes.

5 Motion carries.

6 Let's go back to the regular order of
7 business, Mr. Secretary, please.

8 MEMBER MURPHY: This will move us on to
9 the disability applications, Mr. President. Our
10 first one would be Steven Williams, Firefighter
11 from Squad 1.

12 MR. PINELLI: Let the record reflect this
13 is a hearing on the application for a Duty
14 Disability Benefit being made by Firefighter Steven
15 Williams.

16 Good morning, Mr. Williams.

17 As you have been told, I am one of the
18 attorneys for the Pension Fund. I will be
19 conducting this matter for the record. I'd like to
20 advise you of some preliminary matters before we
21 start evidence.

22 First of all, I believe there are at
23 least seven, perhaps eight, trustees currently on
24 the line to hear the evidence on your application.

1 If you don't know you should know, the Pension Code
2 requires you get the yes vote of at least five
3 Trustees in order to receive this benefit. Do you
4 understand that, sir?

5 MR. WILLIAMS: Yes, sir.

6 MR. PINELLI: Secondly, I see you do not
7 have an attorney representing you. Is it your
8 desire to proceed without an attorney for today's
9 purposes?

10 MR. WILLIAMS: Yes, sir.

11 MR. PINELLI: Lastly, it is the
12 applicant's burden of proof to present sufficient
13 evidence to the Board in order for the Board to
14 grant the benefit that the applicant is seeking.
15 Do you understand it is your burden of proof in
16 this matter?

17 MR. WILLIAMS: Yes, sir.

18 MR. PINELLI: Okay. By way of
19 procedures, I am going to start by asking you some
20 questions under oath. The board members may or may
21 not have questions. Then I will call certain
22 witnesses to testify. If there is anything I don't
23 ask those witnesses that you think is important for
24 the Board to know, please let me know and you will

1 be given that opportunity. Do you understand the
2 procedures?

3 MR. WILLIAMS: I do.

4 MR. PINELLI: Then could I have you and
5 Dr. Samo please raise your right hands?

6 (Witnesses sworn.)

7 STEVEN WILLIAMS

8 a witness herein, having been first duly sworn, was
9 examined and testified as follows:

10 EXAMINATION

11 BY MR. PINELLI:

12 Q Please, state your name.

13 A Firefighter Steven Williams.

14 Q You said your rank is Firefighter, is
15 that correct?

16 A Yes. Firefighter EMT.

17 Q Thank you. What was your last assignment
18 before you went on layup?

19 A Squad 1.

20 Q Sir, you should have been provided a copy
21 of the Board's Exhibits previously marked as 1
22 through 11. Did you receive those before today's
23 hearing?

24 A I'm sorry, Board Exhibits 1 through 11?

1 Q Yes. You should have been provided a
2 copy of those. Did you get them?

3 A Yes, sir.

4 Q Did you have a chance to review them?

5 A I did.

6 Q Do you have any objection to their
7 admission into the record in support of your
8 application?

9 A I do not.

10 MR. PINELLI: Thank you.

11 Mr. Chairman, I move for admission of
12 Board's Exhibits 1 through 11, without objection
13 from the applicant.

14 CHAIRMAN FORTUNA: Admitted without
15 objection.

16 MR. PINELLI: Thank you.

17 (Board Exhibits 1 through 11 were
18 admitted into evidence.)

19 BY MR. PINELLI:

20 Q Now, sir, you are applying for this
21 disability benefit based upon an injury or injuries
22 you sustained on or about February 19th of 2021, is
23 that correct?

24 A That is correct.

1 Q Understanding the Board does have your
2 sworn statement in the record, could you please
3 just briefly describe for us today where you were
4 and what happened to you on that date?

5 A We were responding to a call in
6 Bridgeport early in the morning. I was assigned to
7 do roof duty so when we arrived on the scene I went
8 to the roof. We proceeded to do our roof duties.
9 Cut a hole in the roof. Waited for them to say
10 they had water so they could ventilate properly.

11 As we were waiting, the fire kept going
12 and going and going. Fire flashed on the ladder
13 and visibility was down. I think one of the guys
14 fell into the hole and so on and so forth.

15 I tried to make my way to the front of
16 the building. I couldn't see the front of the
17 building. I saw a porch. Couldn't go where the
18 ladder was because there was fire on that ladder.
19 So I looked for the second means of egress and I
20 couldn't see it.

21 I made the decision to jump to the porch,
22 instead of jumping onto the roof because the roof
23 was full of snow, so the porch was my better option
24 of the two.

1 When I jumped from the roof to the porch
2 I didn't feel anything immediately but proceeded
3 with fire fighting duties and then I was questioned
4 by Chief, the Special Officer Chief, Brian
5 McCardle. He asked me what happened. I told him
6 what happened. Because he saw -- I think he saw me
7 limping but that is only speculation. I told him
8 what happened and then he ordered me to the
9 hospital, along with the rest of the Chiefs that
10 was in front of the building.

11 I went to the hospital. They did some
12 x-rays. The pain progressively got worse. I had
13 back pain, knee pain. My eye was irritated.

14 I went through treatment for each one of
15 the injuries. The only thing that got resolved was
16 the eye issue. The foot is still reduced range.
17 The ankle is still bad. My knee, I had a partial
18 knee replacement in my knee. My back was
19 recommended that I have back surgery. I didn't
20 elect to do the back surgery.

21 Now it's just rehab of the partial knee
22 and the back is kind of painful every day from my
23 low back to my hip. Sometimes it's my midback and
24 my neck.

1 I did what you call a Functional Capacity
2 Test and because of the back issue and it was
3 recommended that I only have limited -- you know --
4 the doctor said that I had work limitations.

5 Q I'm sorry, I didn't mean to cut you off
6 there.

7 A No worries. I was at the end.

8 Q Okay. You covered a lot of territory
9 there. I appreciate it. Let me go back to one
10 particular thing with respect to the incident
11 itself. So it sounds like you jumped from the
12 ladder to a rooftop is that what I heard?

13 A No, sir. I jumped from the rooftop to
14 the porch of the adjacent building.

15 Q All right. Did you land like on your
16 feet or did you fall or just how did you land?

17 A I landed on my feet and fell.

18 Q And then you mentioned the different
19 parts of your body that you injured, including your
20 foot, back, knee and your eye. Did you ever have
21 any problems or injuries with those areas prior to
22 this incident?

23 A No.

24 Q And then you touched on some of the

1 treatment you had, which included ultimately that
2 you did have a partial knee replacement, is that
3 correct?

4 A That is correct.

5 Q That was in January of this year, is that
6 correct?

7 A It was. January 24th of this year.

8 Q Are you currently engaged in any physical
9 therapy or rehabilitation yet?

10 A Physical therapy at this time.

11 Q Thank you. Do you have any appointments
12 with your doctor about that knee scheduled in the
13 future?

14 A My next doctor's appointment is the 20th
15 of next month.

16 Q Since you went on layup have you engaged
17 in any activities by which you earn income?

18 A No.

19 Q Have you engaged in any sporting
20 activities of any kind?

21 A No.

22 Q I think you touched a little bit on your
23 current condition. Based upon your current
24 condition, do you believe you could perform your

1 duties with the Fire Department?

2 A Not to a full capacity, no.

3 MR. PINELLI: Thank you. That is all the
4 questions I have of the applicant.

5 CHAIRMAN FORTUNA: Trustees, any
6 questions?

7 MEMBER MURPHY: No questions.

8 CHAIRMAN FORTUNA: Okay, Vince, hearing
9 none.

10 MR. PINELLI: Thank you.

11 The exhibits indicate there is a Deputy
12 District Chief Thomas Carbonneau that was listed as
13 a witness. Is he on the line?

14 MR. CARBONNEAU: I am on the line.

15 MR. PINELLI: Thank you, sir. I would
16 ask you please to raise your right hand.

17 (Witness sworn.)

18 THOMAS CARBONNEAU

19 a witness herein, having been first duly sworn, was
20 examined and testified as follows:

21 EXAMINATION

22 BY MR. PINELLI:

23 Q What is your rank with the Fire
24 Department?

1 A At this time it is District Chief for the
2 1st District.

3 Q Thank you. I didn't introduce myself. I
4 am one of the attorneys. I have just a few
5 questions for you.

6 A Yes, sir.

7 Q Thank you. Thank you for being on the
8 line.

9 Let me direct your attention to the date
10 of February 19th of 2021, were you working that
11 day?

12 A Yes, sir, I was.

13 Q What was your rank at that time?

14 A At that time it was Deputy District Chief
15 for the 1st District 2-2-1.

16 Q Did you have occasion to know of or be
17 aware of Firefighter Williams?

18 A Yes, sir, I was.

19 Q Were you at the scene of a fire that he
20 was working that day?

21 A I certainly was.

22 Q And did you at any time that day either
23 see or learn that he had been injured?

24 A I have.

1 Q Could you describe for the board members,
2 please, what you knew about that?

3 A What I knew about that fire that day was
4 when we got there it was a heavy volume of fire on
5 the first and second floor. At that time we were
6 trying to get people out of the building. I had I
7 believe three men on the roof when the fire flashed
8 on the second floor.

9 At that time when the fire flashed on the
10 second floor, it actually expands and blows out
11 every which way.

12 At that time when my roof men were on the
13 roof, they had no options to go anywhere else but
14 jumping to either side. I had a gentleman that
15 jumped to the garage roof on one side and Steve
16 jumped to the porch on the other, which was
17 probably about a 20-foot jump.

18 Their egress was cutoff by the flash over
19 and the explosion of fire. So the best thing Steve
20 could do at that time to save his life in plain
21 English was bail out and jump to that porch.

22 Q Did you learn at some point that day that
23 he was sent for treatment or examination of his
24 condition?

1 a witness herein, having been first duly sworn, was
2 examined and testified as follows:

3 EXAMINATION

4 BY MR. PINELLI:

5 Q Please, state your name.

6 A Daniel Samo.

7 Q You are a physician, is that correct?

8 A Yes.

9 Q You perform a function as a consultant to
10 this fund?

11 A Yes.

12 Q In that capacity, do you review medical
13 records, examine applicants or interview them and
14 report to the Board?

15 A Yes.

16 Q Did you follow that procedure with
17 Firefighter Williams?

18 A Yes, I did.

19 Q Did you file a written report with the
20 Board marked as Board Exhibit Number 2?

21 A Yes.

22 Q Did you interview the applicant due to
23 the current pandemic conditions?

24 A Yes. Due to the Covid issues it was a

1 telephonic interview.

2 Q Was the information he provided you
3 consistent with the medical records that you
4 reviewed?

5 A Yes.

6 Q Can you summarize for the board members
7 what you learned from the examination as well as
8 the review of the medical records?

9 A Prior records did not have any indication
10 of any back, knee or foot issues. The heel problem
11 started right after the incident. And then over
12 the next day or so he also started developing pain
13 in his knees and his back. And the complaint in
14 the eye which was unrelated that resolved. The
15 heel, the back, did not improve and he continued to
16 have symptoms in both of those areas.

17 Q Given those current symptoms, do you
18 believe he could perform his duties with the Fire
19 Department?

20 A No, I do not.

21 MR. PINELLI: Thank you, doctor. That is
22 all the questions I have.

23 CHAIRMAN FORTUNA: Trustees, any
24 questions for the doctor?

1 Hearing none, Vince.

2 MR. PINELLI: Mr. Williams, that is the
3 conclusion of the evidence in this matter. Do you
4 have anything else you wish to present or is that
5 sufficient?

6 MR. WILLIAMS: There's nothing else I
7 have to present.

8 MR. PINELLI: Thank you.

9 MEMBER MURPHY: I'd like make a motion to
10 grant the benefits requested by Firefighter
11 Williams.

12 MEMBER VALENCIA: Second.

13 CHAIRMAN FORTUNA: There is a motion to
14 grant by Trustee Murphy. Seconded by Trustee
15 Valencia.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: I am a yes.

5 Motion carries.

6 MEMBER MURPHY: Counsel has previously
7 sent around proposed Findings of Fact and
8 Conclusions of Law in this matter. Having had a
9 chance to review those, I would like to make a
10 motion to adopt those Findings of Fact and
11 Conclusions of Law in this matter.

12 MEMBER TEBBENS: Second.

13 CHAIRMAN FORTUNA: Motion by Trustee
14 Murphy to adopt the Findings of Fact. Seconded by
15 Trustee Tebbens.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: I am a yes.

5 Motion carries.

6 MEMBER MURPHY: I would like to make a
7 motion for reexam consistent with the Board's
8 policy.

9 MEMBER SONI: Second.

10 CHAIRMAN FORTUNA: Motion for reexam by
11 Trustee Murphy. Seconded by Trustee Soni.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: I am a yes.

1 Motion carries.

2 Based on the Findings of Fact and
3 Conclusions of Law made by the Trustees, the
4 Trustees have voted to grant you the benefit you
5 have requested.

6 You will be notified by mail of the
7 Findings of Fact and the Board's decision.

8 Mr. Williams, good luck to you.

9 MR. WILLIAMS: Thank you, very much.
10 Thank you all.

11 MR. PINELLI: Let the record reflect this
12 is a hearing on the application for a Duty
13 Disability Benefit being made by EMT Fire Marshal
14 Mark Mankowski.

15 Good morning, sir. I am one of the
16 attorneys for the Pension Fund. I'd like to advise
17 you of some preliminary matters before we start the
18 evidence.

19 First of all, there are at least seven
20 Trustees on the line to hear the evidence in this
21 matter. If you don't know you should know you need
22 the yes vote of at least five of those Trustees per
23 the Pension Code in order to receive this benefit.
24 Do you understand that?

1 MR. MANKOWSKI: Yes, sir.

2 MR. PINELLI: In addition, I see you do
3 not have an attorney who filed an appearance to
4 represent you in this matter. Is it your desire to
5 proceed without an attorney for today's purposes?

6 MR. MANKOWSKI: Yes, sir.

7 MR. PINELLI: In addition, lastly, it is
8 the applicant's burden of proof to present
9 sufficient evidence to the Board in order for the
10 Board to grant the benefit that the applicant is
11 seeking. Do you understand it is your burden of
12 proof in this matter?

13 MR. MANKOWSKI: Yes, sir.

14 MR. PINELLI: By way of procedures, I am
15 going to start by asking you some questions under
16 oath. The board members may or may not have
17 questions of you. Then I will call some witnesses
18 to testify as well. If there is anything I don't
19 ask those witnesses that you think is important for
20 the Board to know, please let me know and you will
21 be given that opportunity. Do you understand the
22 procedures?

23 MR. MANKOWSKI: Yes, sir.

24 MR. PINELLI: Very well, then we are

1 ready to proceed. Mr. Mankowski, could you please
2 raise your right hand and Dr. Samo as well?

3 (Witnesses sworn.)

4 MARK MANKOWSKI

5 a witness herein, having been first duly sworn, was
6 examined and testified as follows:

7 EXAMINATION

8 BY MR. PINELLI:

9 Q Sir, could you please state your name for
10 the record?

11 A Mark Mankowski.

12 Q What is your current rank with the Fire
13 Department?

14 A Fire Marshal EMT or Firefighter EMT if I
15 was removed as a Fire Marshal. I am not quite sure
16 how that goes.

17 Q As you testify here today, you are no
18 longer a Fire Marshal, is that what you are saying?

19 A Well, I am a Fire Marshal, however, I am
20 not sure what the official rank is as far as being
21 still with the Fire Department.

22 Q But aside from that rank, you're a
23 Firefighter EMT, is that correct?

24 A Yes.

1 Q What was your last assignment before you
2 went on layup?

3 A OFI, Office of Fire Investigation.

4 Q Directing your attention to the Board
5 Exhibits, you should have been provided a copy of
6 Exhibits 1 through 12 before the hearing. Did you
7 receive those?

8 A Yes.

9 Q Did you have a chance to review them?

10 A Yes.

11 Q Do you have any objection to their
12 admission into the record in support of your
13 application?

14 A No.

15 MR. PINELLI: Thank you.

16 Mr. Chairman, I move for admission of
17 Board Exhibits 1 through 12, without objection from
18 the applicant.

19 CHAIRMAN FORTUNA: Admitted without
20 objection.

21 MR. PINELLI: Thank you.

22 (Board Exhibits 1 through 12 were
23 admitted into evidence.)

24

1 BY MR. PINELLI:

2 Q Now, sir, you are applying for this
3 disability benefit based upon an injury or injuries
4 you sustained on February 16th of 2021, is that
5 correct?

6 A Yes.

7 Q Understanding that the Board has your
8 detailed affidavit application, with the statement
9 of the history of what happened, so they have that
10 to review, but could you just please give us a
11 brief summary of the details of what happened to
12 you on that date and how you were injured?

13 A Sure. On that date, we were ordered to
14 go outside and shovel snow. And myself, along with
15 the other members of OFI, were outside shoveling
16 snow on the walkway and then into the OFI
17 administrative parking lot.

18 And in the process of doing that, I went
19 to pick up some snow and I turned to throw it and
20 my back sort of froze up with immense pain and I
21 immediately fell to the ground and could not move
22 and I was in pain and my Lieutenant was near me and
23 he called for an ambulance and when the ambulance
24 came and took me to Northwestern and they

1 administered some muscle relaxers and things like
2 that via IV and -- IV or a shot.

3 And then later on I went home and I began
4 physical therapy and as I was going through
5 physical therapy I was progressing and then I would
6 hit a setback when I would try to lift heavier
7 weights. So I received two injections into my
8 lower back and those did not help so I decided to
9 have a discectomy. The doctor left that as a final
10 option. I could either have a third shot or a
11 microdiscectomy and I had that in August.

12 And then I slowly progressed, started
13 getting better with that, and then in December he
14 talked about me doing work conditioning and I
15 started work conditioning either late November or
16 December. And during work conditioning, after
17 about a week and a half, I got to the amount I was
18 able to dead lift. It was in kilograms so I am not
19 sure. It was approximately 70 pounds. And I was
20 starting to have pain and my back was getting worse
21 with the more I was doing at work conditioning.

22 I was doing work conditioning four hours
23 a day for four days a week. We thought it would be
24 beneficial for me to do Monday/Tuesday

1 Thursday/Friday so I'd have the day off in between.

2 After about a week and a half or so I
3 started getting worse so with the recommendation of
4 my physical therapist, Medical, and my doctor, we
5 just went back down to regular physical therapy.

6 And it was suggested that since it was
7 coming close to my year by Medical that I begin
8 this process.

9 And right now I am currently in regular
10 physical therapy. I go twice a week. Slowly
11 progressing and then I will have setbacks, if I
12 start lifting heavy again.

13 Right now we sort of have been on the
14 slow route to getting back to lifting heavy and I
15 still have incidences where my back goes into spasm
16 and some limitations, tightness with turning and
17 things like that. But overall, yeah, that is about
18 it.

19 Q Okay. Thank you for that summary. Let
20 me just return for a moment to the incident when I
21 think you said you reported it to your lieutenant
22 when it happened?

23 A Yes. He was shoveling with me.

24 Q So is that Lieutenant Kroll, K-r-o-l-l?

1 A Yes, sir.

2 Q Then prior to this incident the record
3 seems to indicate that you did have a series of
4 different injuries to your lower back throughout
5 your work history. Those are reflected in your
6 layup history. Is it accurate to say that you did
7 injure your back in these work incidents prior to
8 this one and that you were able to rehabilitate
9 with conservative treatment from those injuries and
10 return to work from each one of them?

11 A Yes. Yes, sir.

12 Q This one was different, though. You
13 weren't able to return to work from it, correct?

14 A No.

15 Q The surgery, the microdiscectomy, that
16 you had in August of 2021, has the surgeon released
17 you and indicated that you're at maximum medical
18 improvement from that procedure, to your knowledge?

19 A No, sir.

20 Q He has not?

21 A No.

22 Q I think you described your current
23 condition, what it is. Let me just ask you then,
24 since you went on layup have you engaged in any

1 activities by which you earn income?

2 A No, sir.

3 Q Have you engaged in any sporting
4 activities?

5 A No, sir.

6 Q Are you currently taking any medications
7 prescribed by a physician for any pain that you
8 have in your back?

9 A I do take -- I have a prescription for
10 Flexeril, which I take on occasion, but I haven't
11 had to use them. I manage my pain through heat,
12 stretching and other means. I try to stay away
13 from taking prescription drugs.

14 MR. PINELLI: Thank you, sir. That is
15 all the questions I have of this applicant.

16 CHAIRMAN FORTUNA: Trustees, any
17 questions?

18 MEMBER MARTIN: Yes. Mark, it looks like
19 you had hurt your back on 10-9-20. You slipped and
20 fell injuring your low back. You had an injection
21 back then. Can you tell the Board how you hurt
22 your back on that occasion?

23 MR. MANKOWSKI: Yes. I was at a fire in
24 September and we -- my partner was Sean Bryant and

1 he had come up to me. It was at a Chicago public
2 school. He had come up to me and told me he had
3 lost some notes that he had when he was
4 interviewing either fire companies or witnesses.
5 He asked me to go in the building and look in the
6 room of origin to see if I could locate the notes.

7 As I was walking through the room, I was
8 stepping backwards and I tripped over a -- it was
9 like a kindergarten chair. It was hidden by some
10 debris and water. I tripped backwards. I actually
11 fell on my rear end.

12 It stung me a little bit but I wasn't
13 concerned. I didn't have any numbness or tingling
14 so I really wasn't super concerned. And then for
15 the next few weeks it had gotten worse. I was
16 icing and taking over the counter Aleve and then it
17 got worse.

18 It got to the point where I was having
19 pain, not in my lower back, I was having pain in my
20 rectum and basically my coccyx. I went to the
21 hospital and I got diagnosed with coccygeal, I
22 don't know, coccygeal pain.

23 And so over the years, though, I had been
24 managing a SI joint injury, that I received after

1 an on-duty automobile accident, with stretching and
2 things. Because I was in pain from this fall on my
3 rear-end, I wasn't really able -- I was having a
4 hard time doing my stretches to manage that pain.
5 So I was starting to have some discomfort in my SI
6 joint so I asked the doctor if I could also just
7 get a SI joint steroid injection because those
8 seemed to help with that because it seemed to be
9 the smart thing for me to do because I was in pain.
10 So that is it.

11 MEMBER MARTIN: I was just looking at
12 your next layup, which was on 2-9-21, because that
13 was in October, and then it looks like you had a
14 fall in December of 2020.

15 MR. MANKOWSKI: No. No, the fall was in
16 September. There was no fall in December. I don't
17 know where that information came from.

18 MEMBER MARTIN: It's just in the record.

19 MR. MANKOWSKI: Yeah, I refute that. I
20 didn't have a fall. I went to see the doctor in
21 December but I did not have a fall in December.
22 And that -- because I was on layup. I was not -- I
23 did not fall, no. I don't know where that
24 information came from.

1 MEMBER MARTIN: Okay. It looks like you
2 were laid up. You did have a whole history going
3 back to even as far back as '03.

4 MR. MANKOWSKI: Yes.

5 MEMBER MARTIN: '12, '13, kitty litter,
6 neck and back injuries. I don't even know how long
7 these layups were. They used to be on here. I
8 guess it is kind of hard.

9 You said you had Brian Kroll was your
10 officer that day?

11 MR. MANKOWSKI: Yes.

12 MEMBER MARTIN: Do you remember who else
13 was out there shoveling snow?

14 MR. MANKOWSKI: There was -- no. At the
15 time we were working a lot of overtime so it was a
16 mixed shift. I know Fire Marshal Wojt was out
17 there. I really -- Fire Marshal Granat may have
18 been out there. There were some other off shift
19 guys. I really don't recall who exactly was
20 working that day because we were really mixing
21 shifts at the time.

22 MEMBER MARTIN: Was it just you guys or
23 were there also guys from Engine 16 there?

24 MR. MANKOWSKI: I don't recall anybody

1 from Engine 16 there, no.

2 MEMBER MARTIN: Okay.

3 MR. MANKOWSKI: It was definitely an OFI
4 order.

5 MEMBER MARTIN: Okay. Thanks, Mark.

6 MR. MANKOWSKI: Thank you.

7 CHAIRMAN FORTUNA: Any other questions?
8 Hearing none, Vince.

9 MR. PINELLI: We have listed an EMT
10 Lieutenant Brian Kroll as a witness. Is he on the
11 line?

12 MR. WELLER: Mr. Kroll, if you are on the
13 line, please press star six.

14 I don't think we have anyone identified
15 by that number.

16 CHAIRMAN FORTUNA: There is no one
17 identified by that number.

18 MR. PINELLI: If it is okay with you, Mr.
19 Mankowski, I am going to proceed to call the doctor
20 to testify.

21 MR. MANKOWSKI: Yes, sir.

22 (Witness previously sworn.)

23 DANIEL SAMO, M.D.

24 a witness herein, having been first duly sworn, was

1 examined and testified as follows:

2 EXAMINATION

3 BY MR. PINELLI:

4 Q Sir, would you please state your name?

5 A Daniel Samo.

6 Q You're a physician, is that correct?

7 A Yes.

8 Q Do you perform a function as a consultant
9 to this fund?

10 A Yes.

11 Q In that capacity, do you review medical
12 records, examine applicants and report to the
13 Board?

14 A Yes.

15 Q Did you follow that procedure with
16 respect to Mr. Mankowski?

17 A Yes.

18 Q Did you file a written report with the
19 Board marked as Board Exhibit Number 2?

20 A Yes.

21 Q Doctor, did you interview him regarding
22 this matter?

23 A Yes. Due to the Covid restraints it was
24 done telephonically.

1 Q Did he provide you with information that
2 was consistent with the information that you had in
3 the medical records that you reviewed?

4 A Yes.

5 Q Can you briefly summarize for the Board
6 with respect to what those records showed and what
7 your interview indicated?

8 A As indicated, he had a long history of
9 prior back problems going back to 2003. He had had
10 actually also a cervical fusion, a fusion in his
11 neck, in 2012. Then he had a back injury in '13.
12 He was laid up for a couple of weeks. Another
13 episode in '15 where he was laid up for five
14 months. He had a MRI at that time. In '17, he was
15 laid up for almost 12 months. In 2019, he was laid
16 up for ten months. In 2020, he was laid up for
17 three months. And there was a note that he was in
18 PT at Shirley Ryan the week before the date of the
19 event on 2-16, which was described as an acute
20 onset of back pain again while shoveling snow.

21 He was seen by CFD Medical. Sent for
22 physical therapy. By 4-14 when he saw CFD, so
23 about two months later, he was 99 percent better,
24 but then two weeks later he returned to Medical

1 saying he was getting worse. He was referred to
2 Dr. Lim, who treated him. He had another MRI in
3 May of '21 so that is about three months after the
4 accident, which was essentially the same as the MRI
5 which had been done in 2015. He had several
6 injections. He had another MRI actually two months
7 later, which showed some increase in the size of
8 the herniation. Then in August he had the
9 microdiscectomy, which improved him for a while but
10 then his symptoms reoccurred again.

11 He said he was in Work Hardening and Work
12 Conditioning but that made him worse so he was put
13 back into regular physical therapy, which is his
14 condition now.

15 Currently, his symptoms are that he has
16 intermittent low back pain, which was made worse
17 when he does quote too much, mostly lifting. His
18 pain is located in his back. It occasionally
19 radiates to his buttocks and his thigh but not ever
20 below his knee so it is not a sciatic or
21 radiculopathy.

22 He says if he's careful and does only
23 light workouts he is essentially pain-free. He
24 gets more symptoms if he's inactive. So sitting

1 too long gives him achy pain, which resolves when
2 he does his stretching exercises. He is still
3 getting flare-ups and those symptoms he says last
4 about two to three days. His last flare-up had
5 been about ten days before my interview with him.

6 He is still doing PT or at least at the
7 time I saw him. He is doing his home exercise
8 program and he uses heat when he is having pain.
9 He had no plans for further treatments,
10 diagnostics, or surgical interventions at the time
11 I saw him. He felt he couldn't do any of the heavy
12 lifting activities as part of his job.

13 Q Doctor, what he described, the shoveling
14 of snow and the twisting while he was shoveling, is
15 that a competent mechanism that could have caused
16 the back problem that he ultimately was treated
17 for?

18 A Yes.

19 Q In his current condition with the
20 symptoms he's referred or told you about, would
21 those prevent him from performing his duties with
22 the fire department?

23 A Yes. Based on his subjective complaints,
24 he wouldn't be able to do the heavy lifting

1 activities.

2 MR. PINELLI: Thank you. That is all the
3 questions I have of the doctor.

4 CHAIRMAN FORTUNA: Trustees, any
5 questions for the doctor?

6 Hearing none.

7 MR. PINELLI: Hearing none, I have no
8 other evidence to present at this time.

9 CHAIRMAN FORTUNA: I would need a motion
10 to grant.

11 MEMBER MURPHY: Mr. President, I'd like
12 to make a motion to grant the benefits requested by
13 Fire Marshal Mankowski.

14 MEMBER MARTIN: Second.

15 CHAIRMAN FORTUNA: There is a motion to
16 grant by Trustee Murphy. Seconded by Trustee
17 Martin.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin.

23 MEMBER MARTIN: Mr. President, given that
24 there were several witnesses, none of which are

1 present, given the injury, the mechanism of the
2 injury and this applicant's history, my vote is a
3 no.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Are we on the question
6 here or are we on a roll call vote?

7 CHAIRMAN FORTUNA: We have a motion and a
8 second.

9 MEMBER TEBBENS: Are we on the question?

10 CHAIRMAN FORTUNA: No, we are into the
11 vote, Rob.

12 MEMBER TEBBENS: Based on the fact that
13 this is 200 pages long and I received this packet
14 less than 24 hours ago, that is 1200 pages of
15 disabilities that I have to go through. This is
16 one of the more complex ones. I would want a
17 motion to defer this to have more time to review
18 this case. I didn't have time to review this based
19 on the time that I got this.

20 CHAIRMAN FORTUNA: Okay. Hold on. I
21 would have to ask for Trustee Murphy to withdraw
22 his motion. Is that something that Trustee Murphy
23 would do?

24 MEMBER MURPHY: There has to be a

1 withdrawal of the second and then a withdrawal of
2 the motion.

3 CHAIRMAN FORTUNA: Trustee Martin, you
4 will withdraw your second, correct?

5 MEMBER MARTIN: Correct.

6 CHAIRMAN FORTUNA: Trustee Murphy, you
7 will withdraw your motion?

8 MEMBER MURPHY: I will withdraw my
9 motion, sir.

10 CHAIRMAN FORTUNA: I am going to have to
11 take a roll call for both.

12 MEMBER TEBBENS: This is a motion to do
13 what? I'm sorry.

14 CHAIRMAN FORTUNA: This motion is to
15 reflect that Trustee Murphy is withdrawing his
16 motion to grant and Trustee Martin is withdrawing
17 his second on the motion.

18 MS. BURNS: If that motion is granted,
19 Trustee Tebbens, then they will do your motion to
20 defer.

21 MEMBER TEBBENS: Procedurally, this is to
22 vote that Trustee Murphy has the right to withdraw
23 his motion?

24 MS. BURNS: You are doing it based on

1 your request to defer this matter to give you time
2 to review the record. So they are cleaning up the
3 record because a motion was on the table that had
4 been made and seconded. So the motion is to
5 withdraw the motion from the table and that is what
6 people are voting on.

7 The next motion would be then your motion
8 to take this matter under advisement to give you a
9 month to review the transcript to be prepared to
10 vote next month.

11 MEMBER TEBBENS: I didn't know
12 procedurally we had to vote on a Trustee's action
13 to withdraw a motion, but if procedurally that is
14 it, then I am yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: I am a yes.

20 MS. BURNS: That motion is withdrawn.

21 CHAIRMAN FORTUNA: The motion and the
22 second is withdrawn. Okay.

23 MS. BURNS: Now Trustee Tebbens wants to
24 make a motion.

1 CHAIRMAN FORTUNA: Now you want to make a
2 motion?

3 MEMBER TEBBENS: I want to make a motion
4 to defer in order to properly review this document,
5 based on the short timeframe that I had to review
6 it.

7 MS. BURNS: Is it okay to amend your
8 motion, Trustee Tebbens, to say that the record is
9 closed and what you are doing is taking it under
10 advisement to review the record?

11 MEMBER MARTIN: Mary Pat, based on my
12 earlier comment and my concern over this matter,
13 there were no witnesses that attended today that
14 saw this injury take place.

15 I would like someone that was present
16 that day to affirm Mr. Mankowski's or Firefighter
17 Mankowski's version of events. Is there any way we
18 can leave the record open to hear from a witness
19 that was present that day?

20 MS. BURNS: That is up to you.

21 CHAIRMAN FORTUNA: That is totally up to
22 you. There is a motion on the floor to defer.

23 MS. BURNS: To keep the record open and
24 revisit this next month.

1 CHAIRMAN FORTUNA: And keep this record
2 open. Is there a second?

3 MEMBER TEBBENS: Hold on one second.
4 Legal counsel jumped in on my motion.

5 MEMBER MARTIN: I did, Rob. I apologize.

6 MEMBER TEBBENS: No, you are not legal
7 counsel.

8 The issue is I want a motion to defer and
9 I don't want the record to be closed.

10 Mary Pat, you are leading me to say that
11 I want the record closed. I did not want the
12 record closed.

13 MS. BURNS: That has been clarified,
14 Trustee Tebbens.

15 MEMBER TEBBENS: Thank you, very much.

16 MEMBER VALENCIA: I will second the
17 motion.

18 CHAIRMAN FORTUNA: There is a motion by
19 Trustee Tebbens. Seconded by Trustee Valencia.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee Martin

3 MEMBER MARTIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: I am a yes.

9 Motion carries.

10 MR. PINELLI: Mr. Chairman, may I ask a
11 question, please?

12 CHAIRMAN FORTUNA: Please, Vince, go
13 ahead.

14 MR. PINELLI: If the indication is that
15 there is going to be a request for a witness or
16 witnesses, and if my understanding is correct that
17 we may be in-person next month, then I would
18 suggest that staff -- I don't think this needs a
19 motion, but that staff would issue a subpoena or
20 subpoenas so that we ensure that if there are
21 witnesses they are available to testify at the next
22 hearing.

23 CHAIRMAN FORTUNA: Yes, I understand that
24 will be the fact.

1 The matter will be moved to next month's
2 meeting and I believe that would close this
3 proceeding and we can move on to the next item.

4 MR. PINELLI: Mr. Mankowski, you have
5 just heard I believe that the Trustees made a
6 motion to defer this matter. The record is still
7 open so that you would have the ability to present
8 any additional evidence, as well as the Trustees
9 would be able to entertain or hear any additional
10 evidence, including witnesses, at the next meeting.

11 So the matter is just put over to the
12 next meeting, which I believe is April 20th, but
13 staff will certainly advise you of the date and
14 circumstances. Okay?

15 MR. MANKOWSKI: Yes. So as far as
16 witnesses go, the only witness I mentioned was my
17 lieutenant. He will be subpoenaed or are you
18 asking me for additional names? Should I go and
19 get additional -- look at the roster and see who
20 was there that week so you can subpoena them or how
21 is that?

22 MR. PINELLI: I would suggest staff will
23 talk to you after this, but since it is your burden
24 of proof to present sufficient evidence, if you

1 have witnesses that you think would be important
2 for the Board to hear, then you should notify staff
3 and they will take appropriate steps to secure
4 their presence. Okay?

5 MEMBER TEBBENS: I have a question.

6 Mark, this is Trustee Tebbens. I was
7 just curious if you considered seeking legal
8 counsel?

9 MR. MANKOWSKI: I am, yes. Yes.

10 MEMBER TEBBENS: Okay. Just curious.

11 MEMBER MARTIN: Mr. President, just for
12 real quick clarification. There were several
13 witnesses that were identified on the record. If
14 staff could possibly reach out to all of them or
15 counsel could reach out to all of them. There were
16 several that were there. We could ask them what
17 they saw.

18 CHAIRMAN FORTUNA: That will happen,
19 Trustee Martin.

20 MR. PINELLI: That concludes this matter.

21 MEMBER MURPHY: Mr. President, moving to
22 our next applicant Maiesha Rose.

23 MS. BURNS: Given the current status of
24 the Board, I think an Executive Session might be

1 appropriate, there being five trustees present at
2 this point.

3 MEMBER MURPHY: Motion to go into
4 Executive Session pursuant to Section 2(c)4.

5 MEMBER MARTIN: Second.

6 CHAIRMAN FORTUNA: Seconded by Trustee
7 Martin.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: I am a yes.

17 Motion carries.

18 We are now in Executive Session.

19 (Whereupon, the Board went into
20 Executive Session off the record.

21 No action was taken in Executive
22 Session.)

23 CHAIRMAN FORTUNA: The business at hand
24 is the recommendation that we had during the closed

1 session was to defer until next month.

2 MR. MURPHY: I'd like to make a motion to
3 defer the matter of Maiesha Rose so that our
4 medical staff can obtain further information and
5 evaluation for her file.

6 MEMBER MARTIN: Second.

7 CHAIRMAN FORTUNA: There is a motion by
8 Trustee Murphy. Seconded by Trustee Martin.
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

19 MR. PINELLI: Ms. Rose, are you on the
20 line?

21 MS. ROSE: Yes.

22 MR. PINELLI: Ma'am, I'd like to explain
23 to you what just happened with respect to your
24 matter.

1 The Board took a motion and approved a
2 motion to defer this matter at this time for
3 several reasons. One of which, as you know,
4 relates to your receipt of the Board Exhibits,
5 which apparently happened a little bit late for
6 you. But more importantly as well is that your
7 claim and application indicates that you are
8 seeking this benefit based upon injuries, a head
9 injury and shoulder injury, that you sustained on
10 the particular date at issue.

11 The records currently with respect to the
12 head injury and your current condition with respect
13 to that injury is not complete and is lacking
14 information.

15 Since it is your burden of proof as it is
16 for every applicant who comes before the Board to
17 present them with sufficient evidence that they may
18 grant a benefit, it is in your interest that they
19 have all of the information that they need in order
20 to assess your claim in the injuries involved.

21 So, therefore, they are going to ask the
22 Board's doctor to further investigate the
23 circumstances of your current condition with
24 respect to your head injury and certainly give you

1 the opportunity as well to present any additional
2 evidence that you might have with respect to that
3 issue.

4 So that is the reason that they have
5 deferred this matter. So no evidence has been
6 taken today. Evidence will only start once they
7 commence the hearing and they have all of the
8 necessary documents and records so that they can
9 render an informed decision. Okay?

10 And staff will be in touch with you to
11 walk you through the next steps when the hearing
12 will be and any additional information or steps
13 that you need to take besides what you have already
14 done. Okay?

15 MS. ROSE: Okay. What information is
16 lacking? Is it something that I didn't submit?

17 MR. PINELLI: It is not so much what you
18 didn't submit. It is what the doctor had available
19 to him, the Fund's doctor, to look at your
20 condition of your head injury so he needs to do
21 some further workup on that.

22 To the extent we need further information
23 from you to help that, we will reach out to you,
24 staff will reach out to you, to obtain that

1 information. Okay?

2 MS. ROSE: You have everything for my
3 shoulder injury as well?

4 MR. PINELLI: I believe so at this time,
5 yes.

6 MS. ROSE: Okay. Thank you.

7 MR. PINELLI: I don't know if the witness
8 is on the line. Mr. Castaneda, are you on the
9 line, sir?

10 MR. CASTANEDA: Yes, sir, I am present.

11 MR. PINELLI: Thank you. We appreciate
12 you being present.

13 The matter is being put over so staff
14 will reach out to you with a new date for you to be
15 present at the next Board hearing. Okay?

16 MR. CASTANEDA: Understood. Thank you.

17 MR. PINELLI: Thank you both.

18 MS. ROSE: Good-bye.

19 CHAIRMAN FORTUNA: Thank you.

20 MEMBER MURPHY: Mr. President, moving on
21 to our next disability application of Michael
22 Hester, Engineer. Vince.

23 MR. PINELLI: Is Mr. Hester on the line?

24 MR. HESTER: Good morning. This is Mike

1 Hester.

2 MR. PINELLI: Good morning, Mr. Hester.

3 I am one of the attorneys for the Pension Fund. I
4 will be conducting this hearing for the record.

5 Let the record reflect this is your
6 application for the Occupational Disease Disability
7 benefit. I'd like to advise you of some
8 preliminary matters before we start evidence.

9 MR. HESTER: Okay.

10 MR. PINELLI: First of all, there are
11 currently five trustees available to hear the
12 evidence on your application. If you don't know
13 you should know the Pension Code requires the yes
14 vote of five trustees in order for you to receive
15 this benefit. Do you understand that?

16 MR. HESTER: Yes, sir.

17 MR. PINELLI: I see you did not have an
18 attorney file an appearance on your behalf. Is it
19 your desire to proceed without an attorney?

20 MR. HESTER: Yes.

21 MR. PINELLI: Lastly, it is the
22 applicant's burden of proof to present sufficient
23 evidence to the Board in order for the Board to
24 grant the benefit that the applicant seeks. Do you

1 understand it is your burden of proof?

2 MR. HESTER: Yes.

3 MR. PINELLI: By way of procedures, I am
4 going to start by asking you some questions under
5 oath. The board members may or may not have
6 questions of you. Then I will call Dr. Peters, the
7 Fund's physician consultant, to testify. If there
8 is anything I don't ask him that you think is
9 important for the Board to know you will be given
10 that opportunity. Just let me know, okay?

11 MR. HESTER: Okay.

12 MR. PINELLI: Then we are ready to
13 proceed. Is Dr. Peters on the line?

14 DOCTOR SAMO: Yes, I am.

15 MR. PINELLI: Dr. Peters and Mr. Hester,
16 could you both please raise your right hands?

17 (Witnesses sworn.)

18 MICHAEL HESTER

19 a witness herein, having been first duly sworn, was
20 examined and testified as follows:

21 EXAMINATION

22 BY MR. PINELLI:

23 Q Sir, please state your name.

24 A Michael Hester.

1 Q What's your rank with the Fire
2 Department?

3 A Engineer EMT.

4 Q What was your last assignment before you
5 went on layup?

6 A Engine 7.

7 Q Sir, directing your attention to the
8 Board Exhibits, you should have received a copy of
9 those being Board Exhibits 1 through 12 in advance
10 of today's hearing. Did you receive those?

11 A Yes.

12 Q Did you have a chance to review them?

13 A I looked at it, yes.

14 Q Do you have any objection to their
15 admission into the record in this matter?

16 A No.

17 MR. PINELLI: Thank you.

18 Mr. Chairman, I move for admission of
19 Board Exhibits 1 through 12, without objection from
20 the applicant.

21 CHAIRMAN FORTUNA: Admitted without
22 objection.

23 (Board Exhibits 1 through 12 were
24 admitted into evidence.)

1 BY MR. PINELLI:

2 Q Now, sir, you are seeking an Occupational
3 Disease Disability benefit based upon a condition
4 or conditions that you have and what are those
5 conditions?

6 A I have pulmonary hypertension and I need
7 to use a trilogy machine at night with oxygen and
8 when I go to pulmonary cardiac rehab I have to be
9 on two liters of oxygen to keep my oxygen levels up
10 in the 90's.

11 Q So the condition of your lungs and your
12 ability to breathe and so forth?

13 A Yes.

14 Q Okay. You entered service with the Fire
15 Department in 1996, is that correct?

16 A Yes, October 1, 1996.

17 Q Therefore, you have completed more than
18 seven years of service with the Department,
19 correct?

20 A Correct.

21 Q Did you develop this lung condition
22 during the time you have been in service with the
23 Department?

24 A Yes.

1 Q In other words, you didn't have it before
2 you came on the Department, did you?

3 A No, I had no lung or heart problems
4 before I came on the job.

5 Q Thank you. Now, sir, could you just give
6 us a brief recitation of the history of your
7 assignments from when you came on in '96 to Engine
8 7?

9 A Yes. I came on October 1, 1996. From
10 the Academy I went to Engine 9 for 15 months. And
11 then I transferred to Engine 69 for about seven
12 years I believe. I got promoted to Engineer. I
13 was doing Second District Relief. Then I was
14 assigned to Engine 110 and then I was assigned to
15 Engine 7.

16 Q Okay. And since you went on layup have
17 you engaged in any activities by which you earn
18 income?

19 A No.

20 Q Have you engaged in any sporting
21 activities?

22 A The only thing I do is go to pulmonary
23 for cardiac rehab and food shopping if you want to
24 include that.

1 MR. PINELLI: Thank you. That is all the
2 questions I have of the witness.

3 CHAIRMAN FORTUNA: Trustees, any
4 questions?

5 MEMBER MURPHY: No questions.

6 CHAIRMAN FORTUNA: None, Vince.

7 MR. PINELLI: Thank you. I will call Dr.
8 Peters.

9 (Witness previously sworn.)

10 MICHAEL I. PETERS, M.D.

11 a witness herein, having been first duly sworn, was
12 examined and testified as follows:

13 EXAMINATION

14 BY MR. PINELLI:

15 Q Please state your name.

16 A Michael I. Peters.

17 Q You're a physician, is that correct?

18 A Yes.

19 Q Is a copy of your qualifications attached
20 to the Board Exhibits?

21 A Yes.

22 Q Do you perform a function as a consultant
23 to this Fund?

24 A Yes.

1 Q In that capacity, do you review medical
2 records, examine or interview applicants and report
3 to the Board?

4 A Yes.

5 Q Did you follow that procedure with
6 respect to Mr. Hester?

7 A Yes.

8 Q Did you file a written report with the
9 Board marked as Board Exhibit Number 2?

10 A Yes.

11 Q Did you interview the applicant due to
12 the current restrictions of the pandemic?

13 A Yes, by telephone.

14 Q Was the information he provided you
15 consistent with the information you received from
16 the medical records you reviewed?

17 A Yes, it was.

18 Q Can you briefly describe for the Board
19 what you learned from the records and your
20 interview with the applicant regarding his
21 condition?

22 A Mr. Hester suffers from pulmonary
23 hypertension, which is a type of a heart disease
24 and severe obstructive lung disease. He requires a

1 home ventilator to use at night for supplemental
2 oxygen. As he stated he required supplement oxygen
3 during his pulmonary rehabilitation during the
4 exertion required for that rehabilitation.

5 Q Based on those conditions, do you believe
6 he would be able to perform his duties with the
7 Fire Department?

8 A No.

9 MR. PINELLI: Thank you, doctor. That's
10 all the questions I have.

11 CHAIRMAN FORTUNA: Trustees, any
12 questions for the doctor?

13 MEMBER MURPHY: No questions.

14 CHAIRMAN FORTUNA: Thank you, Vince.

15 MEMBER MARTIN: Motion to grant.

16 MEMBER MURPHY: Second.

17 CHAIRMAN FORTUNA: There's a motion to
18 grant by Trustee Martin. There is a second by
19 Trustee Murphy.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee Martin

1 MEMBER MARTIN: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: I am a yes.

5 Motion carries.

6 MEMBER MURPHY: I'd like to make a motion
7 for reexam consistent with the Board's policy.

8 MEMBER TEBBENS: Second.

9 CHAIRMAN FORTUNA: There is a motion for
10 reexam by Trustee Murphy. Seconded by Trustee
11 Tebbens.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee Martin

17 MEMBER MARTIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: I am a yes.

21 Motion carries.

22 MEMBER MURPHY: Counsel has previously
23 sent around proposed Findings of Fact and
24 Conclusions of Law.

1 Having had a chance to review those
2 Findings of Fact and Conclusions of Law, I would
3 like to make a motion to adopt those Findings of
4 Fact and Conclusions of Law in this matter.

5 MEMBER TEBBENS: Second.

6 CHAIRMAN FORTUNA: There is a motion to
7 adopt the Findings of Fact by Trustee Murphy.
8 Seconded by Trustee Tebbens.

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

19 Mr. Hester, can you hear me?

20 MR. HESTER: Yes, sir.

21 Based on the Findings of Fact and
22 Conclusions of Law made by the Trustees, the
23 Trustees have voted to grant you the benefit you
24 have requested.

1 You will be notified by mail of the
2 Findings of Fact and the Board's decision.

3 CHAIRMAN FORTUNA: Thank you, sir, and
4 good luck to you.

5 MR. HESTER: Thank you.

6 MEMBER MURPHY: Mr. President, moving to
7 Consideration of Findings of Fact and Conclusions
8 of Law, we have two matters from last month's
9 meeting that we need to consider adoption of
10 Findings of Fact and Conclusions of Law.

11 The first matter is the application of
12 Marlon Brandon. Last month, after hearing the
13 testimony and considering the evidence and the
14 application of Lieutenant Marlon Brandon, the Board
15 voted to deny Lieutenant Marlon Brandon's
16 application for Duty Disability benefits.

17 Counsel has now had an opportunity to
18 prepare the Findings of Fact and Conclusions of Law
19 to support that decision. Counsel has provided the
20 proposed Findings of Fact and Conclusions of Law to
21 the Board.

22 Having had a chance to review those
23 Findings of Fact and Conclusions of Law, I make a
24 motion to adopt the Findings of Fact and

1 Conclusions of Law in this matter.

2 MEMBER MARTIN: Second.

3 CHAIRMAN FORTUNA: There is a motion by

4 Trustee Murphy. Seconded by Trustee Martin.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, the second

16 matter involved the Widow's Annuity of Jeanne

17 Flood.

18 Last month the Board, after hearing

19 evidence in the matter, voted to terminate Ms.

20 Flood's receipt of Widow's Annuity.

21 Counsel has now had an opportunity to

22 prepare the Findings of Fact and Conclusions of Law

23 to support the Board's determination and shared

24 those Findings of Fact and Conclusions of Law with

1 the Board.

2 Having had a chance to review those
3 Findings of Fact and Conclusions of Law, I make a
4 motion to adopt the Findings of Fact and
5 Conclusions of Law in this matter.

6 MEMBER TEBBENS: Second.

7 CHAIRMAN FORTUNA: There is a motion by
8 Trustee Murphy. Seconded by Trustee Tebbens.
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

19 MEMBER MURPHY: Moving on, Mr. President,
20 to the Compensation Widow's Annuity. First we have
21 Cheryl Regan, Widow of Ronald Regan.

22 Vince, would you please proceed?

23 MR. PINELLI: Yes. So this matter comes
24 before you on the application of Cheryl Regan for a

1 death in a line of duty widow's annuity.

2 At this time I would move for admission
3 of Board Exhibits 1 through 8.

4 CHAIRMAN FORTUNA: Admitted without
5 objection.

6 (Board Exhibits 1 through 8 were
7 admitted into evidence.)

8 MR. PINELLI: Just to make sure, is Ms.
9 Regan on the call?

10 MR. WELLER: She is on the call.

11 Ms. Regan, press star six, if you would
12 like to speak.

13 MS. REGAN: Hello. This is Ms. Regan.

14 MR. PINELLI: Good morning, Ms. Regan. I
15 was just introducing the matter for the record.

16 I am one of the attorneys for the Pension
17 Fund handling this matter. Are you ready to
18 proceed?

19 MS. REGAN: Yes.

20 MR. PINELLI: Thank you. Now just to
21 repeat, let the record reflect this is a hearing on
22 the application for a death in the line of duty
23 widow's annuity pursuant to Section 6-140 of the
24 Pension Code being made by Ms. Cheryl Regan.

1 Good morning, Ms. Regan.

2 MS. REGAN: Good morning.

3 MR. PINELLI: I am going to move to admit
4 Board Exhibits 1 through 8. Did you receive a copy
5 of those prior to today's date?

6 MS. REGAN: Yes. I was sent via an
7 email.

8 MR. PINELLI: I take it you have no
9 objection to their admission into the record in
10 this matter?

11 MS. REGAN: Correct.

12 MR. PINELLI: Mr. Chairman, again, for
13 the record, I move for admission without objection
14 from the applicant.

15 CHAIRMAN FORTUNA: Admitted without
16 objection.

17 MR. PINELLI: Thank you.

18 Those records would indicate that, Ms.
19 Regan, you were married to Firefighter Ronald
20 Regan, is that correct?

21 MS. REGAN: Correct.

22 MR. PINELLI: I think since 1993, is that
23 correct?

24 MS. REGAN: Correct.

1 MR. PINELLI: The records would further
2 indicate, members of the board, this board granted
3 Mr. Regan a Duty Disability Benefit on December
4 15th of last year pursuant to the fact that he had
5 contracted COVID-19 while on-duty and that the
6 COVID-19 caused him to incur certain heart and lung
7 conditions which rendered him disabled as a result
8 of that.

9 MS. REGAN: Yes.

10 MR. PINELLI: And as a result of that,
11 the Board granted him Duty Disability benefits on
12 December 15th of 2021.

13 The Board Exhibits also indicate that Mr.
14 Regan passed away on December 18th of 2021 pursuant
15 to the certified copy of the death certificate that
16 is in the record. Is that correct, Ms. Regan?

17 MS. REGAN: That is correct.

18 MR. PINELLI: And that record would
19 indicate that he died as a result of
20 cardiopulmonary arrest.

21 MS. REGAN: Yes.

22 MR. PINELLI: He never returned to active
23 duty following that Duty Disability grant, is that
24 correct?

1 MS. REGAN: Correct.

2 MR. PINELLI: That is all the testimony I
3 would ask for Ms. Regan at this point.

4 CHAIRMAN FORTUNA: Trustees, any
5 questions?

6 MEMBER MURPHY: No questions.

7 CHAIRMAN FORTUNA: Hearing none, Vince.

8 MR. PINELLI: The matter is submitted for
9 your consideration. I believe that the evidence
10 presented before you meets the requirements of
11 Section 6-140 as well as follows the directives of
12 the Appellate Court in the Bertucci decision in
13 that Firefighter Regan passed away following the
14 grant of Duty Disability to him and that he never
15 returned to active duty following that grant of
16 Duty Disability Benefit.

17 MEMBER MURPHY: Thank you, counsel.

18 Based on the evidence presented, I'd like
19 to make a motion to grant compensation widow's
20 annuity benefits pursuant to Section 6-140 to
21 Cheryl Regan based on the evidence presented.

22 MEMBER TEBBENS: Second.

23 CHAIRMAN FORTUNA: There is a motion
24 seconded by Trustee Tebbens.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: I am a yes.

10 Motion carries.

11 MEMBER MURPHY: I'd like to make a motion

12 to adopt the Findings of Fact as presented to the

13 Board.

14 MEMBER MARTIN: Second.

15 CHAIRMAN FORTUNA: There is a motion to

16 adopt the Findings of Fact.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: Yes.

21 CHAIRMAN FORTUNA: Trustee Martin

22 MEMBER MARTIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Tebbens.

24 MEMBER TEBBENS: Yes.

1 CHAIRMAN FORTUNA: I am a yes.

2 Motion carries.

3 Mrs. Regan, based on the Findings of Fact
4 and Conclusions of Law made by the Trustees, the
5 Trustees have voted to grant you the benefit you
6 have requested.

7 You will be notified by mail of the
8 Findings of Fact and the Board's decision.

9 Thank you and god bless you.

10 MS. REGAN: Thank you so much.

11 MEMBER MURPHY: Mr. President, moving on
12 to Item 5, Approval of the Board Physician Reviews
13 for Disability Recipients.

14 I'd like to make a motion to approve the
15 Board Physician Reviews.

16 MEMBER MARTIN: Second.

17 CHAIRMAN FORTUNA: There is a motion by
18 Trustee Murphy. Seconded by Trustee Martin.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Sheridan.

22 MEMBER SHERIDAN: Yes.

23 CHAIRMAN FORTUNA: Trustee Martin

24 MEMBER MARTIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Tebbens.

2 (Trustee Tebbens was offline.)

3 I am a yes.

4 Motion carries.

5 MEMBER MARTIN: We only need four. We
6 are not granting a benefit.

7 MS. BURNS: You have four in favor.
8 Considering it doesn't involve an expenditure of
9 money, that is the majority of the Board, that's
10 fine, the motion will pass.

11 Thank you, Trustee Martin.

12 MEMBER MARTIN: Certainly.

13 MEMBER MURPHY: The next item on the
14 agenda is the Investments.

15 MS. SCOTT: I can take that, if that is
16 okay with Trustee Martin.

17 MEMBER MARTIN: I think that's fine. You
18 can go over the statements and where we are at.
19 Thank you, Lorna.

20 MS. SCOTT: Just for my Investment
21 Committee Report, the Investment Committee did meet
22 on Monday, March 14th.

23 There were four items on the agenda.

24 One, the Committee considered Callan's

1 recommendation to issue a RFP for Private Credit.

2 Two, the Committee discussed Jackson
3 Square's Investment Guideline modification request.

4 Three, the Committee discussed the Fund's
5 exposure to Russian investments.

6 And, four, the final item on the agenda
7 was the Investment Report and I reviewed the
8 performance objectives within the Investment
9 Manager Guidelines and the Statement of Investment
10 Policy. I also provided an update on Fund
11 performance through February 28th.

12 The Committee is recommending issuing the
13 Private Credit RFP and they are recommending to
14 adjust the Investment Guidelines for Jackson
15 Square. I would be looking for a motion to do
16 that.

17 MEMBER MARTIN: I will make the motion.

18 MS. BURNS: Trustee Martin, can I
19 interrupt? We want to do them one at a time.

20 MEMBER MARTIN: That is fine.

21 MEMBER MURPHY: Based on the
22 recommendation of the CIO, I would like to move to
23 adopt the recommendation of the Investment
24 Committee that the RFP for Private Credit manager

1 be issued.

2 MEMBER MARTIN: Second.

3 CHAIRMAN FORTUNA: There is a motion.

4 Seconded by Trustee Martin.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 (Trustee Tebbens was offline.)

13 I am a yes.

14 Motion carries.

15 MS. BURNS: That motion passes also, it

16 doesn't involve the expenditure of money.

17 You are now in the quiet period, which

18 means no Trustees or Staff, other than Lorna,

19 should have any communication with anybody

20 regarding the Private Credit manager search.

21 The second motion based on what Lorna

22 articulated.

23 MEMBER MURPHY: Based on the

24 recommendation of the CIO and the investment

1 consultant, I'd like to make a motion to adopt the
2 recommendation by the Committee that the Investment
3 Manager Guidelines for Jackson Square be modified
4 as presented.

5 CHAIRMAN FORTUNA: There is a motion by
6 Trustee Martin. Seconded by Trustee Murphy.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee Martin

12 MEMBER MARTIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 (Trustee Tebbens was offline.)

15 I am a yes.

16 Motion carries.

17 MS. SCOTT: That is a remainder, like
18 Mary Pat just said, we have the Private Credit RFP
19 and we are in the quiet period for that. As well
20 there is the Infrastructure RFP that is out there,
21 so we are under the quiet period for that
22 additionally.

23 So all the other investment report
24 reports are in BoardPaq and everything was

1 discussed in committee. At this point in time I
2 have no other reports to present.

3 MEMBER MARTIN: Are there any questions
4 on it, on the investment performance?

5 CHAIRMAN FORTUNA: I have no questions.

6 MEMBER MARTIN: Motion to spread that on
7 the record and I think that would conclude the
8 Investment Committee.

9 CHAIRMAN FORTUNA: We're going to take a
10 five minute recess here.

11 MS. BURNS: Trustee Martin, before the
12 recess, the question is do you want to have a
13 discussion regarding the foreign investment?

14 Did the Treasurer want that discussed?
15 She's not on the meeting video, but there is an
16 agenda item for consideration and possible action
17 regarding foreign investments and at least I think
18 you should address that issue.

19 MEMBER MARTIN: I think we had a great
20 discussion on it with the Committee and we approved
21 a statement that can be made to the general public
22 regarding the decision that we made in the
23 Committee. Which was to basically hold where we
24 were at given that most of these equities or almost

1 all of these equities can't be traded at this time
2 anyway.

3 It wouldn't be prudent, based on the
4 advice of both our investment consultant as well as
5 our Chief Investment Officer, and I think that the
6 statement that we had put forward and the decision
7 of the Board.

8 Kelly, do you have anything to say on
9 that, or Lorna?

10 MS. SCOTT: I would just want to
11 reiterate that our investments in Russia is a very,
12 very small position and our approach is going to be
13 to continue to monitor that and report back to the
14 Board.

15 The expectations is the managers will be
16 doing no additional purchases in Russia and they
17 are looking to exit those positions in a prudent
18 way. As legal has reminded me, they are
19 fiduciaries and they as well are acting in the best
20 interest of our participants.

21 MEMBER MARTIN: Given everyone's concern
22 and their support for Ukraine in this war that
23 Ukraine is involved in, could we maybe post a
24 statement that we have drafted and communicate it

1 to staff? You have worked on it. Can we post it
2 on our website so everybody is aware of what that
3 is?

4 MS. BURNS: Technically not yet because
5 we don't have a quorum as Trustee Tebbens stepped
6 away, but why don't we talk about that post
7 meeting? I think we can figure out a way to get
8 that done.

9 It was important for the record to
10 reflect the discussion which you and Lorna very
11 aptly articulated so it's part of the public record
12 that the Fund is working on this issue and
13 monitoring it.

14 MEMBER MARTIN: Thank you.

15 MS. BURNS: Now I think the Chair wants
16 to take a five minute break as we wait for Trustee
17 Tebbens so we have a quorum for any action items.

18 MEMBER MURPHY: Mr. President, if you
19 would like to move on, maybe we can go further down
20 the schedule.

21 MS. BURNS: Do we have reason to believe
22 Trustee Tebbens is going to rejoin?

23 MR. WELLER: Yes. He confirmed with me
24 he had to step away and he is going to come back.

1 He still has his connection live.

2 MS. BURNS: If you don't need a break and
3 you want to hear Legislative, we can do that.

4 CHAIRMAN FORTUNA: Let's go to
5 Legislative. There is no motion involved.

6 MR. PHELPS: Good morning.

7 MR. WELLER: Thank you for taking the
8 opportunity to join us. You have the bills that we
9 have had in the past executive sessions to update
10 on. I also ask you to talk a little bit about
11 anything you are seeing in the Open Meetings Act,
12 that might be pertinent to Trustees.

13 With that, I am going to turn it over to
14 you.

15 MR. PHELPS: Good morning, Executive
16 Director Weller and Trustees. Brandon Phelps with
17 Phelps Barry and Associates.

18 I am mainly going to talk about four
19 bills today. Three of them have passed the Senate
20 and they are in the House and they will be in the
21 House Pension Committee which is tomorrow at ten
22 a.m.

23 But the first one I am going to talk
24 about is Senate Bill 2952. If you remember this is

1 Senator Van Pelt's bill for the City Treasurer to
2 designate an employee of his or her choice to
3 represent them in the Pension Board meetings, which
4 effects you. That passed the Senate 51 to nothing.
5 It is in the House. Representative Bill Gatto has
6 it. Like I said, it is probably going to be heard
7 in the Committee tomorrow at ten a.m.

8 The second bill is Senate 3177, which is
9 Leader Cunningham's cleanup bill to Senate Bill
10 603, that passed the Senate 52 to zero. And
11 Representative Guevara Gellar picked that up and
12 it's going to be in Pensions Committee in the House
13 tomorrow.

14 The other bill I am going to talk about
15 today is Senate Bill 4053, which is Senator
16 Martwick. It past the Senate 55 to zero.
17 Representative Hurley picked it up. It is in the
18 Pension Committee tomorrow and that raises the
19 annuity to 150 percent above the poverty line.

20 One bill that I put on your list that may
21 not be moving is House Bill 4488, which is the
22 mirror bill, twin bill, for the City Treasurer to
23 designate an employee to represent him or her in
24 the Pension Boards. That is in Senate assignments,

1 which more or less says, if you know anything about
2 the Senate, it may not go anywhere, but we still
3 have the companion bill that is moving.

4 Other than that, we are down in the home
5 stretch, ladies and gentlemen. There is three
6 weeks left of session. Rumor is they might come
7 back to finish some stuff up before veto and maybe
8 after the primary.

9 As of right now, Kelly, there is really
10 not much else on the Open Meetings Act. Senator
11 Castro was thinking about doing something but I
12 think that has hit a roadblock. We are monitoring
13 that and I will send you a report on that as soon
14 as we hear.

15 Other than that, I will take any
16 questions and I appreciate and it is an honor to
17 represent you.

18 MR. WELLER: 4435, MRSA bill, that was
19 out of the House and I think it is in the Senate.
20 Does that look like it is getting some traction? I
21 don't want to throw you off base.

22 MR. PHELPS: Director Weller, I will get
23 back to you. We have not heard that was going to
24 move.

1 The Senate is not in this week,
2 everybody, just so you know. The House is only in.
3 But both chambers will be in for the adjournment
4 date of April 8th.

5 Executive Director Weller, I will get
6 back to you immediately.

7 MR. WELLER: Wonderful. Thank you.

8 CHAIRMAN FORTUNA: Thank you.

9 MR. PHELPS: Thank you. See you all.

10 MS. SCOTT: How about your report, Kelly?

11 MR. WELLER: I don't have anything, other
12 than just some good news. The good news is that we
13 completed our hire for our Programmer Developer.

14 Chris and I went through many, many, many
15 applicants to get to a candidate that we all felt
16 unanimously was going to be a great addition to the
17 plan. We made him an offer early this month. He
18 is starting March 22nd.

19 Trustee Tebbens is back.

20 We're very, very excited about what that
21 brings to the Fund because now we can start the
22 strategic components that we talked about during
23 the Budget session. With Jerod Lockhart's hiring,
24 I am going to begin the engagement of the

1 consultants that we talked about to help us with
2 the strategic plan. We think we have got two very
3 solid proposals that are well within the range that
4 we had talked about again during the Budget
5 session.

6 So Chris and I and Jerod are going to go
7 through those, determine what the best course of
8 action is for us. We will keep you advised as to
9 how that project proceeds. It is going to put us
10 on track to do exactly the things you asked us to
11 do, which is review our database, which augments
12 our benefit administration, which potentially ties
13 into our website and helps us to proactively look
14 at some kind of iOS and Android type application as
15 we look to the end of the year. That's our plan
16 there.

17 You should have or will be getting very
18 shortly your Statement of Economic Interest coming
19 from the County and the State. Those have to be
20 done by the beginning of May. If you don't get
21 those Economic Statements here sometime in the next
22 couple of weeks, reach out to me and we will make
23 sure that we get that resolved. But make sure that
24 you keep an eye out for them and when they do

1 arrive be timely in getting out your response.

2 I am happy to sit down with any of you on
3 how to fill that out.

4 We have got the retro that applied from
5 the police. Unfortunately, it was paid incorrectly
6 by the City. Many reasons for why that happened.
7 Ultimately, the simplest thing I can explain to you
8 is we have not received the contributions for those
9 payments because of that error and until we receive
10 those contributions we are not able to proceed with
11 any retros or application of that.

12 CHAIRMAN FORTUNA: That's how many?

13 MR. WELLER: I don't know the answer to
14 that. I would expect it is rather large because it
15 effects salaries across the membership.

16 CHAIRMAN FORTUNA: We need a number.

17 MR. WELLER: On how many people?

18 CHAIRMAN FORTUNA: Yes.

19 MR. WELLER: Okay. And then the last
20 thing I had was the President is pushing, as is his
21 right, to ask for everyone to be in attendance here
22 on April 20th. So as you are making a note of your
23 schedule needs, it looks like we will at this point
24 in time, based on everything that we have been

1 told, be in-person, back into the office, so
2 consider that as you are looking at your schedule.

3 Please let me know if you are not going
4 to be able to attend. It is very difficult for us
5 to kind of determine a quorum if we are not getting
6 good communication on who is going to attend and
7 who is not going to attend. We just need to know.

8 With that, that concludes my Executive
9 Director's Report. I do have one other item that
10 is going to take a vote down below but we will get
11 to that.

12 MS. BURNS: Trustee Tebbens is back so we
13 can move back to the regular order of business.

14 MEMBER MARTIN: Just for the record, I
15 will not be in attendance in April. I will be able
16 to attend via Zoom or via phone but I am not going
17 to be available. Thanks.

18 CHAIRMAN FORTUNA: Okay.

19 MEMBER MURPHY: Moving on, I just want to
20 make sure with counsel I believe we already handled
21 the Board Physician's Review of Disability
22 Recipients?

23 MS. BURNS: You did do that.

24 My question to Trustee Tebbens is would

1 you be willing to concur with the vote to issue a
2 RFP for Private Credit manager, which was approved
3 in your absence, and the Jackson Partners
4 Investment Guidelines, so that we have five
5 trustees?

6 MEMBER TEBBENS: Yes.

7 MS. BURNS: Thank you. The record will
8 so reflect. Then you're on Number 7.

9 MEMBER MURPHY: Kelly, I'd like to turn
10 over the Operating Cash and Expenses to you.

11 MR. WELLER: I am going to turn it over
12 to Jackie.

13 MS. VLAHOS: For the expenditures for
14 this month, you are going to see just the normal
15 things that we see every month. Nothing out of the
16 ordinary. If there is any questions, I am open to
17 answer any of those.

18 As well as I think in your packet is the
19 cash needs. As you can see, we are in the tax
20 cycle where the tax receipts are starting to come
21 in pretty strongly. We have received just under
22 about \$200 million in tax receipts.

23 So with that being said, we don't need a
24 drawdown, like I think Lorna already kind of went

1 over in her Investment Committee meeting.

2 So at the beginning of March, we had
3 approximately \$115 million. And after all our
4 benefits, we still have \$84 million, which since
5 that time has changed because we received an
6 additional \$50 million in tax receipts.

7 If you go to the cash flows, you're going
8 to see that towards the right-hand side we have
9 \$115 million. After everything is paid it will
10 leave us with approximately \$84.9 million in the
11 Chase account.

12 If everything comes in as planned with
13 the tax receipts, we should not have to have a
14 drawdown so that is pretty much where we are at.
15 We're getting everything as we normally would. We
16 are on target with the receipts. Does anyone have
17 any questions?

18 MEMBER MARTIN: Outstanding.

19 MS. VLAHOS: Okay. That is all I have,
20 if there are no questions.

21 CHAIRMAN FORTUNA: Any questions?

22 Hearing none, moving on.

23 MEMBER MURPHY: I'd like to make a motion
24 to approve the administrative expenses as presented

1 in BoardPaq.

2 MEMBER MARTIN: Second.

3 CHAIRMAN FORTUNA: There is a motion by
4 Trustee Murphy. Seconded by Trustee Martin.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, moving on
16 to C, Request for Expenditures for Travel and
17 Education.

18 MR. WELLER: The Trustees are not
19 included at this point in time in the approved
20 travel roster but Lorna has been requested to go to
21 Callan. I have been requested to go to NCPERS.
22 Both of those are on our approved list. This just
23 approves both Lorna and my travel accordingly.

24 MEMBER MURPHY: Mr. President, I'd like

1 to make a motion to approve the expenditures
2 related to travel for the CIO and the Executive
3 Director as they were presented.

4 MEMBER MARTIN: Second.

5 CHAIRMAN FORTUNA: There is a motion by
6 Trustee Murphy. Seconded by Trustee Martin.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee Martin

12 MEMBER MARTIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Mr. President, I'd like
18 to move on to our legal update now. Counsel, do
19 you have anything to present?

20 MS. BURNS: Yes, sir. The first thing is
21 the consideration and possible action regarding
22 Member 13150 and this is the one that involves Mr.
23 Mark Philips, who provided us with public comment.

24 As Mr. Philips indicated, staff had

1 asked that his benefits be suspended because he was
2 failing to comply with the ongoing requirement in
3 the Illinois Pension Code that he provide updated
4 medical to prove his disability still exists.

5 As you heard Mr. Philips, he requests
6 that motion be deferred or taken under advisement
7 to give him additional time to be able to
8 communicate with the Fund.

9 I think Lori indicates that she has
10 information that she can provide to the Board if
11 the Board wants to hear the back and forth between
12 staff and Mr. Philips, but the reality is the
13 Member asked us for a month to be able to comply.
14 It would seem that would be a reasonable thing to
15 grant him.

16 CHAIRMAN FORTUNA: So we're going to make
17 a motion to comply with the Member's request?

18 MS. BURNS: To defer this matter for a
19 month to allow Mr. Philips to work with staff to
20 make sure he is in compliance with the Illinois
21 Pension Code regarding his disability.

22 MEMBER MURPHY: Mr. President, I will
23 make that motion.

24 CHAIRMAN FORTUNA: There is a motion.

1 MEMBER TEBBENS: Second.

2 CHAIRMAN FORTUNA: Seconded by Trustee
3 Tebbens.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee Martin

9 MEMBER MARTIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

14 MS. BURNS: The next item, sir, relates
15 to the Flood matter. Earlier today, you, as
16 Trustees, voted to adopt the Findings of Fact and
17 Conclusions of Law in the Flood matter.

18 As a result of those findings, the fact
19 is that you are now determining as a matter of law
20 that Ms. Flood received Widow's Annuity benefits
21 over an extended period of time of approximately 13
22 years that she was likely not entitled to and that
23 as a result of her fraud she received in excess of
24 \$300,000 from this Fund.

1 I think the motion here, consistent with
2 your duties under Section 1-135 of the Illinois
3 Pension Code, is to report this matter to the
4 State's Attorney's Office. We need a motion to do
5 that.

6 CHAIRMAN FORTUNA: There is a motion to
7 report to the State's Attorney.

8 MEMBER MURPHY: I'd like to make that
9 motion, Mr. President.

10 MEMBER MARTIN: Second.

11 CHAIRMAN FORTUNA: That motion is made by
12 Trustee Murphy. Seconded by Trustee Martin.

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee Martin

18 MEMBER MARTIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: I am a yes.

22 Motion carries.

23 MS. BURNS: The last item in Legal, sir,
24 is that recently your Executive Director was

1 reviewing some of your policies and noticed that
2 some changes should be made to the policy for
3 addressing the Board.

4 I believe a black lined copy showing the
5 minor non-substantive changes that he is suggesting
6 be made to that policy were presented to the Board.

7 Legal has signed off on those from an
8 Open Meetings Act and Illinois law perspective.

9 Unless there are questions, the motion
10 would be to approve the policy for addressing the
11 Board as modified. The only modification is that
12 it limits the overall aggregate period of time that
13 would be spent on public comments of 30 minutes per
14 meeting and three minutes per person.

15 MEMBER MURPHY: Mr. President, I'd like
16 to make that motion.

17 MEMBER TEBBENS: On the question, where
18 is that policy? I didn't see that.

19 MR. WELLER: It is in the BoardPaq.
20 Policy changes should be the last item. It has its
21 own number underneath the agenda item.

22 MEMBER TEBBENS: What is the reason for
23 this? What is the reason for it? What was it and
24 what are we going to?

1 MR. WELLER: The red line version is in
2 the BoardPaq. You can see what the old version was
3 versus the new version. What the question was is
4 what do the other public funds across Chicago and
5 in the State, what are the policies that seem to
6 prevail across the other funds. And we did that
7 analysis and proposed -- there it is, Trustee
8 Tebbens.

9 MEMBER TEBBENS: It is under Documents
10 then?

11 MR. WELLER: It should be under Legal.
12 If you click on Legal, it should be "Addressing the
13 Retirement Board Policy".

14 MEMBER TEBBENS: Okay.

15 MR. WELLER: If you click on that, it
16 will come up. She has it on the screen for us. I
17 will give you a minute to look at that.

18 MEMBER TEBBENS: What are we hoping to
19 achieve here? What was the issue that required
20 this change?

21 MR. WELLER: The concern was that if we
22 were to have a significant number of people wishing
23 to make comment, the overall structure of the
24 meeting would be impaired.

1 There was some thought that the
2 Chairperson could kind of control that number. I
3 think that was probably true. Rather than having
4 it be unknown, the consensus was let's make that
5 known so that it can be publicly made aware.

6 If you have noticed, if you have gone on
7 the meeting site of the FABF website, this is now
8 part of when you click a "Meeting", you now
9 automatically see the Public Comment Policy.

10 We want to make sure that we are
11 providing as much transparency for how the process
12 works.

13 MEMBER TEBBENS: Can I sum this up?
14 There is a component of this that reduces or
15 restricts or limits the amount of time an
16 individual can speak in public comment and how
17 quickly they can make that declaration or that
18 request, would that be fair?

19 MR. WELLER: There was always a limit.
20 What was proposed was to go along with what is more
21 --

22 MEMBER TEBBENS: Kelly, with all due
23 respect, here is the specific question. Does the
24 new policy restrict an individual's time in public

1 comment and does it also -- there is two questions
2 here. Does it also limit or impair the request
3 time? So does it put that out there? Does it make
4 it more restrictive to make public comment and is
5 the public comment then limited as a result of this
6 new policy?

7 MR. WELLER: The answer to your second
8 question first is it does not limit in any way
9 anyone's ability to make public comment.

10 There was already a restriction on the
11 time afforded to make public comment, which was of
12 some concern. To allow more commenters, we looked
13 at what the other funds were doing. Three minutes
14 seemed to be the prevailing median so three minutes
15 was introduced rather than five so the restriction
16 is still in place. It just limits that to three
17 minutes. However, the Chair can always grant
18 additional time, based on the Chair's prerogative.

19 Also, in order to make sure that we have
20 a timely meeting and to keep the meetings as you
21 can see today moving in some kind of manner that
22 allows us to have efficiency, there was an overall
23 amount of public comment that was to be provided.
24 This would allow up to ten public comments without

1 the Chair's intervention. The Chair can always
2 extend this.

3 MEMBER TEBBENS: Thank you. Thank you,
4 Kelly. I will be a no vote.

5 MS. BURNS: You had a motion by Trustee
6 Murphy, but I don't think you had a second.

7 MEMBER MARTIN: A real quick comment on
8 it. I understand. I understand we have to keep
9 the meeting moving. I am completely in agreement
10 with the 30 minutes. However, I do like the five
11 minutes. Not that anybody generally ever goes over
12 that, but if it is something somebody is really
13 concerned about, I don't like to reducing it to
14 three, that is my only concern. 30 minutes I am
15 good with.

16 CHAIRMAN FORTUNA: Understood. There is
17 a motion. Now is there a second? Now just
18 everyone remember, if there is no second --

19 MEMBER TEBBENS: I will second it.

20 CHAIRMAN FORTUNA: There is a motion by
21 Trustee Murphy. Seconded by Trustee Tebbens.
22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: As I have been at the
2 30 minute ten people speaking three minutes, I
3 support the three minute limit.

4 CHAIRMAN FORTUNA: Trustee Martin

5 MEMBER MARTIN: Absent an amendment, my
6 vote is no.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: No.

9 CHAIRMAN FORTUNA: I am also a no so the
10 motion fails.

11 Moving on.

12 MEMBER MURPHY: Moving on, we have Old
13 Business/New Business. Any Old Business or New
14 Business?

15 Not hearing anything, I would like to
16 make a motion to adjourn today's meeting.

17 CHAIRMAN FORTUNA: There is a motion to
18 adjourn. All in favor?

19 (Chorus of ayes.)

20

21 (WHICH WERE ALL THE PROCEEDINGS
22 IN THE ABOVE-ENTITLED MEETING
23 AT THIS DATE AND TIME.)

24

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

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 DEBORAH TYRRELL, being a Certified Shorthand
Reporter, on oath says that she is a court reporter
doing business in the County of DuPage and State of
Illinois, that she reported in shorthand the
proceedings given at the taking of said cause and
that the foregoing is a true and correct transcript
of her shorthand notes so taken as aforesaid; and
contains all the proceedings given at said cause.

Debbie Tyrrell

DEBBIE TYRRELL, CSR
License No. 084-001078

\$	<p>15th [2] - 87:4, 87:12 16 [7] - 1:14, 3:2, 11:7, 11:10, 11:13, 52:23, 53:1 16092 [1] - 12:17 16th [1] - 45:4 18th [1] - 87:14 19322 [1] - 14:17 1993 [1] - 86:22 1996 [3] - 75:15, 75:16, 76:9 19th [2] - 27:22, 33:10 1st [2] - 33:2, 33:15</p>	5	<p>Accountant [1] - 2:18 accurate [1] - 48:6 achieve [1] - 113:19 achy [1] - 57:1 Act [8] - 3:16, 3:18, 3:20, 4:1, 4:5, 98:11, 100:10, 112:8 acted [1] - 3:18 acting [1] - 96:19 action [8] - 22:11, 22:24, 61:12, 67:21, 95:16, 97:17, 102:8, 108:21 Active [4] - 2:5, 2:6, 2:7, 2:11 active [2] - 87:22, 88:15 activities [8] - 31:17, 31:20, 49:1, 49:4, 57:12, 58:1, 76:17, 76:21 acute [1] - 55:19 addition [3] - 42:2, 42:7, 101:16 additional [10] - 65:8, 65:9, 65:18, 65:19, 70:1, 70:12, 96:16, 106:6, 109:7, 115:18 additionally [1] - 94:22 address [3] - 4:10, 22:20, 95:18 addressing [2] - 112:3, 112:10 Addressing [1] - 113:12 adjacent [1] - 30:14 adjourn [2] - 117:16, 117:18 adjournment [1] - 101:3 adjust [1] - 92:14 administered [1] - 46:1 administration [1] - 102:12 administrative [5] - 8:23, 8:24, 9:4, 45:17, 106:24 Administrative [2] - 11:5, 20:14 administratively [1] - 10:1 admission [9] - 27:7, 27:11, 44:12, 44:16, 74:15, 74:18, 85:2, 86:9, 86:13 admit [1] - 86:3 admitted [9] - 27:14, 27:18, 44:19, 44:23,</p>	<p>74:21, 74:24, 85:4, 85:7, 86:15 adopt [11] - 39:10, 39:14, 81:3, 81:7, 82:24, 84:4, 89:12, 89:16, 92:23, 94:1, 110:16 adoption [1] - 82:9 advance [1] - 74:9 advice [1] - 96:4 advise [4] - 24:20, 41:16, 65:13, 72:7 advised [1] - 102:8 advisement [3] - 61:8, 62:10, 109:6 affidavit [1] - 45:8 affirm [1] - 62:16 afforded [1] - 115:11 aforsaid [1] - 118:12 Agenda [1] - 6:23 agenda [5] - 91:14, 91:23, 92:6, 95:16, 112:21 aggregate [1] - 112:12 ago [1] - 59:14 agreement [1] - 116:9 ahead [1] - 64:13 Aleve [1] - 50:16 ALL [1] - 117:21 allow [6] - 7:11, 21:23, 22:11, 109:19, 115:12, 115:24 allows [3] - 3:16, 22:6, 115:22 almost [2] - 55:15, 95:24 ALSO [1] - 2:15 ambulance [2] - 45:23 amend [1] - 62:7 amendment [1] - 117:5 amount [3] - 46:17, 114:15, 115:23 analysis [1] - 113:7 AND [3] - 1:3, 2:13, 117:23 Android [1] - 102:14 ankle [1] - 29:17 ANNA [1] - 2:9 Annuitant [1] - 2:4 Annuities [2] - 12:17, 13:17 ANNUITY [1] - 1:3 Annuity [4] - 83:16, 83:20, 84:20, 110:20 annuity [4] - 85:1, 85:23, 88:20, 99:19 answer [4] - 8:6, 103:13, 105:17, 115:7</p>
'		6		
<p>'03 [1] - 52:3 '12 [1] - 52:5 '13 [2] - 52:5, 55:11 '15 [1] - 55:13 '17 [1] - 55:14 '21 [1] - 56:3 '96 [1] - 76:7</p>		6-140 [3] - 85:23, 88:11, 88:20 603 [1] - 99:10 69 [1] - 76:11		
0	2	7		
<p>016355 [1] - 20:17 05685 [1] - 17:17 07873 [1] - 16:16 084-001078 [1] - 118:18 08934 [1] - 13:18 09261 [1] - 17:17</p>	<p>2 [4] - 18:18, 36:20, 54:19, 78:9 2(c)4 [1] - 67:4 2-16 [1] - 55:19 2-2-1 [1] - 33:15 2-9-21 [1] - 51:12 20 [2] - 1:12, 35:1 20-foot [1] - 34:17 200 [1] - 59:13 2003 [1] - 55:9 2012 [1] - 55:11 2015 [1] - 56:5 2019 [1] - 55:15 2020 [2] - 51:14, 55:16 2021 [9] - 21:17, 22:2, 22:24, 27:22, 33:10, 45:4, 48:16, 87:12, 87:14 2022 [8] - 1:14, 3:2, 11:7, 11:8, 11:10, 11:14, 11:16 20th [3] - 31:14, 65:12, 103:22 22nd [1] - 101:18 24 [1] - 59:14 24th [1] - 31:7 28th [1] - 92:11 2952 [1] - 98:24</p>	<p>7 [4] - 74:6, 76:8, 76:15, 105:8 70 [1] - 46:19</p>		
1	3	8		
<p>1 [17] - 24:11, 26:19, 26:21, 26:24, 27:12, 27:17, 44:6, 44:17, 44:22, 74:9, 74:19, 74:23, 75:16, 76:9, 85:3, 85:6, 86:4 1-135 [1] - 111:2 10-9-20 [1] - 49:19 10084 [1] - 13:17 101-0640 [2] - 3:16, 3:21 10121 [1] - 16:17 1096 [1] - 1:7 11 [4] - 26:22, 26:24, 27:12, 27:17 110 [1] - 76:14 11194 [1] - 15:17 12 [7] - 44:6, 44:17, 44:22, 55:15, 74:9, 74:19, 74:23 1200 [1] - 59:14 13 [1] - 110:21 13150 [1] - 108:22 13971 [1] - 12:18 14th [1] - 91:22 15 [5] - 11:8, 11:10, 11:16, 35:1, 76:10 150 [1] - 99:19 15064 [1] - 18:19 15634 [1] - 15:17</p>	<p>30 [4] - 112:13, 116:10, 116:14, 117:2 300 [1] - 1:12 3177 [1] - 99:8 31st [1] - 22:12</p>	<p>8 [3] - 85:3, 85:6, 86:4 84.9 [1] - 106:10 8:30 [1] - 1:15 8th [1] - 101:4</p>		
	4	9		
	<p>4-14 [1] - 55:22 4053 [1] - 99:15 4435 [1] - 100:18 4488 [1] - 99:21</p>	<p>9 [1] - 76:10 90's [1] - 75:10 91-0715 [1] - 4:5 99 [1] - 55:23</p>		
		A		
		<p>a.m [3] - 1:15, 98:22, 99:7 ability [3] - 65:7, 75:12, 115:9 able [15] - 22:7, 22:23, 35:9, 46:18, 48:8, 48:13, 51:3, 57:24, 65:9, 79:6, 103:10, 104:4, 104:15, 109:7, 109:13 ABOVE [1] - 117:22 above-entitled [1] - 1:11 ABOVE-ENTITLED [1] - 117:22 absence [1] - 105:3 absent [1] - 117:5 Academy [1] - 76:10 accident [2] - 51:1, 56:4 accordance [1] - 3:24 accordingly [1] - 107:23 account [1] - 106:11</p>		

<p>ANTHONY [1] - 2:7 anyway [1] - 96:2 apologize [1] - 63:5 appearance [2] - 42:3, 72:18 APPEARANCES [1] - 2:1 Appellate [1] - 88:12 applicant [14] - 25:14, 27:13, 32:4, 36:22, 42:10, 44:18, 49:15, 66:22, 69:16, 72:24, 74:20, 78:11, 78:20, 86:14 applicant's [4] - 25:12, 42:8, 59:2, 72:22 applicants [4] - 36:13, 54:12, 78:2, 101:15 application [17] - 24:13, 24:24, 27:8, 41:12, 44:13, 45:8, 69:7, 71:21, 72:6, 72:12, 82:11, 82:14, 82:16, 84:24, 85:22, 102:14, 103:11 applications [1] - 24:9 applied [1] - 103:4 applying [2] - 27:20, 45:2 appointment [1] - 31:14 appointments [4] - 6:10, 6:13, 6:14, 31:11 appreciate [4] - 30:9, 35:20, 71:11, 100:16 approach [1] - 96:12 appropriate [2] - 66:3, 67:1 approval [4] - 4:3, 11:4, 21:22, 22:10 Approval [2] - 11:6, 90:12 approve [14] - 11:12, 12:16, 13:16, 14:16, 15:16, 16:15, 19:18, 20:16, 23:4, 23:7, 90:14, 106:24, 108:1, 112:10 approved [5] - 69:1, 95:20, 105:2, 107:19, 107:22 approves [1] - 107:23 April [4] - 65:12, 101:4, 103:22, 104:15 aptly [1] - 97:11 areas [2] - 30:21, 37:16</p>	<p>arrest [1] - 87:20 arrive [1] - 103:1 arrived [1] - 28:7 articulated [2] - 93:22, 97:11 aside [1] - 43:22 assess [1] - 69:20 assigned [3] - 28:6, 76:14 assignment [3] - 26:17, 44:1, 74:4 assignments [2] - 76:7, 99:24 Associates [2] - 2:18, 98:17 AT [1] - 117:23 attached [1] - 77:19 attend [4] - 104:4, 104:6, 104:7, 104:16 attendance [2] - 103:21, 104:15 attended [1] - 62:13 attention [3] - 33:9, 44:4, 74:7 attorney [8] - 3:23, 6:18, 25:7, 25:8, 42:3, 42:5, 72:18, 72:19 Attorney [1] - 111:7 Attorney's [1] - 111:4 attorneys [6] - 6:20, 24:18, 33:4, 41:16, 72:3, 85:16 ATTORNEYS [1] - 2:12 Audio [2] - 11:6, 11:9 audio [3] - 3:17, 11:14, 11:15 augments [1] - 102:11 August [3] - 46:11, 48:16, 56:8 authority [1] - 22:23 authorized [1] - 22:2 automatically [1] - 114:9 automobile [1] - 51:1 available [5] - 4:4, 64:21, 70:18, 72:11, 104:17 aware [8] - 7:7, 8:22, 10:5, 10:7, 23:2, 33:17, 97:2, 114:5 eyes [1] - 117:19</p> <p style="text-align: center;">B</p> <p>background [1] - 8:15 backwards [2] - 50:8, 50:10 bad [1] - 29:17</p>	<p>bail [1] - 34:21 Barry [1] - 98:17 base [1] - 100:21 based [22] - 17:19, 20:17, 27:21, 31:23, 45:3, 57:23, 59:12, 59:18, 60:24, 62:5, 62:11, 69:8, 75:3, 79:5, 88:21, 90:3, 92:21, 93:21, 93:23, 96:3, 103:24, 115:18 Based [3] - 41:2, 81:21, 88:18 BEFORE [1] - 1:1 began [1] - 46:3 begin [2] - 47:7, 101:24 beginning [3] - 16:16, 102:20, 106:2 behalf [1] - 72:18 below [2] - 56:20, 104:10 beneficial [1] - 46:24 BENEFIT [1] - 1:3 benefit [17] - 25:3, 25:14, 27:21, 41:4, 41:23, 42:10, 45:3, 69:8, 69:18, 72:7, 72:15, 72:24, 75:3, 81:23, 90:5, 91:6, 102:12 Benefit [5] - 17:14, 24:14, 41:13, 87:3, 88:16 benefits [10] - 5:7, 7:1, 38:10, 58:12, 82:16, 87:11, 88:20, 106:4, 109:1, 110:20 Benefits [1] - 15:16 Bertucci [1] - 88:12 best [3] - 34:19, 96:19, 102:7 better [3] - 28:23, 46:13, 55:23 between [2] - 47:1, 109:11 beyond [1] - 35:12 big [1] - 6:1 Bill [5] - 98:24, 99:5, 99:9, 99:15, 99:21 bill [9] - 99:1, 99:8, 99:9, 99:14, 99:20, 99:22, 100:3, 100:18 bills [2] - 98:8, 98:19 bit [4] - 31:22, 50:12, 69:5, 98:10 black [1] - 112:4 bless [1] - 90:9 blows [1] - 34:10 Board [77] - 2:19, 3:2,</p>	<p>3:22, 4:6, 4:8, 4:10, 6:11, 6:24, 7:10, 7:19, 7:24, 9:10, 11:7, 11:14, 25:13, 25:24, 26:24, 27:17, 28:1, 36:14, 36:20, 42:9, 42:10, 42:20, 44:4, 44:17, 44:22, 45:7, 49:21, 54:13, 54:19, 55:5, 66:2, 66:24, 67:19, 69:1, 69:4, 69:16, 71:15, 72:23, 73:9, 74:8, 74:9, 74:19, 74:23, 77:20, 78:3, 78:9, 78:18, 82:14, 82:21, 83:18, 84:1, 85:3, 85:6, 86:4, 87:11, 87:13, 89:13, 90:12, 90:15, 91:9, 96:7, 96:14, 99:3, 104:21, 109:10, 109:11, 112:3, 112:6, 112:11, 113:13 BOARD [3] - 1:2, 2:2, 2:12 board [10] - 4:7, 5:23, 10:3, 25:20, 34:1, 37:6, 42:16, 73:5, 87:2 Board's [9] - 26:21, 27:12, 40:7, 41:7, 69:22, 80:7, 82:2, 83:23, 90:8 BoardPaq [4] - 94:24, 107:1, 112:19, 113:2 Boards [1] - 99:24 body [1] - 30:19 BRADY [1] - 2:18 Brandon [3] - 82:12, 82:14, 98:16 Brandon's [1] - 82:15 break [2] - 97:16, 98:2 breathe [1] - 75:12 Brian [3] - 29:4, 52:9, 53:10 Bridgeport [1] - 28:6 brief [3] - 4:9, 45:11, 76:6 briefly [3] - 28:3, 55:5, 78:18 bring [2] - 9:1, 9:9 brings [1] - 101:21 Bryant [1] - 49:24 Budget [2] - 101:23, 102:4 building [6] - 28:16, 28:17, 29:10, 30:14, 34:6, 50:5 burden [8] - 25:12,</p>	<p>25:15, 42:8, 42:11, 65:23, 69:15, 72:22, 73:1 BURKE [1] - 2:13 Burns [1] - 6:20 BURNS [35] - 2:13, 2:13, 6:19, 7:8, 8:7, 9:7, 9:18, 10:7, 10:16, 21:21, 60:18, 60:24, 61:20, 61:23, 62:7, 62:20, 62:23, 63:13, 66:23, 91:7, 92:18, 93:15, 95:11, 97:4, 97:15, 97:21, 98:2, 104:12, 104:23, 105:7, 108:20, 109:18, 110:14, 111:23, 116:5 Business [3] - 117:13, 117:14 business [5] - 21:20, 24:7, 67:23, 104:13, 118:8 Business/New [1] - 117:13 buttocks [1] - 56:19 BY [11] - 2:13, 26:11, 27:19, 32:22, 36:4, 43:8, 45:1, 54:3, 73:22, 75:1, 77:14 bye [1] - 71:18</p> <p style="text-align: center;">C</p> <p>Callan [2] - 2:18, 107:21 Callan's [1] - 91:24 cancer [1] - 5:20 candidate [1] - 101:15 capacity [4] - 32:2, 36:12, 54:11, 78:1 Capacity [1] - 30:1 Carbonneau [1] - 32:12 CARBONNEAU [2] - 32:14, 32:18 cardiac [2] - 75:8, 76:23 cardiopulmonary [1] - 87:20 care [1] - 10:1 career [1] - 6:2 careful [1] - 56:22 carries [31] - 12:14, 13:14, 14:14, 15:14, 16:13, 17:13, 18:17, 19:16, 20:13, 21:12, 24:5, 39:5, 40:5, 41:1, 64:9, 67:17,</p>
--	---	---	--	--

68:18, 80:5, 80:21, 81:18, 83:14, 84:18, 89:10, 90:2, 91:4, 93:14, 94:16, 107:14, 108:16, 110:13, 111:22
case [3] - 9:5, 22:22, 59:18
cash [2] - 105:19, 106:7
Cash [2] - 21:15, 105:10
Castaneda [1] - 71:8
CASTANEDA [2] - 71:10, 71:16
Castro [1] - 100:11
caused [2] - 57:15, 87:6
causing [1] - 8:18
certain [2] - 25:21, 87:6
certainly [4] - 33:21, 65:13, 69:24, 91:12
certificate [1] - 87:15
Certified [1] - 118:6
certified [1] - 87:15
cervical [1] - 55:10
CFD [2] - 55:21, 55:22
chair [1] - 50:9
Chair [3] - 97:15, 115:17, 116:1
Chair's [2] - 115:18, 116:1
CHAIRMAN [261] - 3:1, 3:11, 3:14, 6:17, 8:1, 10:13, 10:24, 11:20, 11:24, 12:2, 12:5, 12:7, 12:9, 12:11, 12:13, 12:20, 12:24, 13:2, 13:5, 13:7, 13:9, 13:11, 13:13, 13:20, 13:24, 14:2, 14:5, 14:7, 14:9, 14:11, 14:13, 14:19, 14:24, 15:2, 15:5, 15:7, 15:9, 15:11, 15:13, 15:19, 15:23, 16:1, 16:4, 16:6, 16:8, 16:10, 16:12, 16:19, 16:23, 17:1, 17:4, 17:6, 17:8, 17:10, 17:12, 17:23, 18:3, 18:5, 18:8, 18:10, 18:12, 18:14, 18:16, 18:22, 19:2, 19:4, 19:7, 19:9, 19:11, 19:13, 19:15, 19:21, 20:2, 20:4, 20:6, 20:8, 20:10, 20:12, 20:21, 21:1,

21:3, 21:5, 21:7, 21:9, 21:11, 21:19, 23:6, 23:11, 23:13, 23:15, 23:17, 23:24, 24:4, 27:14, 32:5, 32:8, 35:16, 37:23, 38:13, 38:18, 38:20, 38:22, 38:24, 39:2, 39:4, 39:13, 39:18, 39:20, 39:22, 39:24, 40:2, 40:4, 40:10, 40:14, 40:16, 40:18, 40:20, 40:22, 40:24, 44:19, 49:16, 53:7, 53:16, 58:4, 58:9, 58:15, 58:20, 58:22, 59:4, 59:7, 59:10, 59:20, 60:3, 60:6, 60:10, 60:14, 61:15, 61:17, 61:19, 61:21, 62:1, 62:21, 63:1, 63:18, 63:22, 63:24, 64:2, 64:4, 64:6, 64:8, 64:12, 64:23, 66:18, 67:6, 67:10, 67:12, 67:14, 67:16, 67:23, 68:7, 68:11, 68:13, 68:15, 68:17, 71:19, 74:21, 77:3, 77:6, 79:11, 79:14, 79:17, 79:22, 79:24, 80:2, 80:4, 80:9, 80:14, 80:16, 80:18, 80:20, 81:6, 81:11, 81:13, 81:15, 81:17, 82:3, 83:3, 83:7, 83:9, 83:11, 83:13, 84:7, 84:11, 84:13, 84:15, 84:17, 85:4, 86:15, 88:4, 88:7, 88:23, 89:3, 89:5, 89:7, 89:9, 89:15, 89:19, 89:21, 89:23, 90:1, 90:17, 90:21, 90:23, 91:1, 93:3, 93:7, 93:9, 93:11, 94:5, 94:9, 94:11, 94:13, 95:5, 95:9, 98:4, 101:8, 103:12, 103:16, 103:18, 104:18, 106:21, 107:3, 107:7, 107:9, 107:11, 107:13, 108:5, 108:9, 108:11, 108:13, 108:15, 109:16, 109:24, 110:2, 110:6, 110:8, 110:10, 110:12, 111:6, 111:11, 111:15, 111:17,

111:19, 111:21, 116:16, 116:20, 116:24, 117:4, 117:7, 117:9, 117:17
Chairman [5] - 27:11, 44:16, 64:10, 74:18, 86:12
Chairperson [1] - 114:2
chambers [1] - 101:3
chance [7] - 27:4, 39:9, 44:9, 74:12, 81:1, 82:22, 84:2
change [1] - 113:20
changed [1] - 106:5
changes [3] - 112:2, 112:5, 112:20
Chase [1] - 106:11
Cheryl [4] - 84:21, 84:24, 85:24, 88:21
CHICAGO [1] - 1:3
Chicago [3] - 1:13, 50:1, 113:4
Chief [9] - 2:17, 29:4, 32:12, 33:1, 33:14, 35:17, 35:19, 96:5
Chiefs [1] - 29:9
choice [1] - 99:2
Chorus [1] - 117:19
Chris [4] - 4:19, 10:19, 101:14, 102:6
CIO [3] - 92:22, 93:24, 108:2
circumstances [2] - 65:14, 69:23
City [11] - 1:13, 2:8, 2:9, 2:10, 22:1, 22:3, 22:8, 22:22, 99:1, 99:22, 103:6
City's [1] - 23:19
claim [2] - 69:7, 69:20
clarification [1] - 66:12
clarified [1] - 63:13
Clark [1] - 1:12
cleaning [1] - 61:2
cleanup [1] - 99:9
clear [1] - 7:18
Clerk [1] - 2:9
click [3] - 113:12, 113:15, 114:8
close [2] - 47:7, 65:2
closed [9] - 11:7, 11:13, 11:17, 11:18, 62:9, 63:9, 63:11, 63:12, 67:24
coccygeal [2] - 50:21, 50:22
coccyx [1] - 50:20
Code [9] - 7:3, 9:21,

25:1, 41:23, 72:13, 85:24, 109:3, 109:21, 111:3
coming [2] - 47:7, 102:18
commence [1] - 70:7
commencing [1] - 1:14
Comment [2] - 10:22, 114:9
comment [17] - 4:11, 4:15, 6:22, 8:2, 23:19, 62:12, 108:23, 113:23, 114:16, 115:1, 115:4, 115:5, 115:9, 115:11, 115:23, 116:7
commenters [1] - 115:12
comments [2] - 112:13, 115:24
committee [1] - 95:1
Committee [19] - 11:8, 11:11, 11:17, 91:21, 91:24, 92:2, 92:4, 92:12, 92:24, 94:2, 95:8, 95:20, 95:23, 98:21, 99:7, 99:12, 99:18, 106:1
committees [1] - 4:8
communicate [2] - 96:24, 109:8
communication [2] - 93:19, 104:6
communications [1] - 7:13
companies [1] - 50:4
companion [1] - 100:3
Compensation [1] - 84:20
compensation [1] - 88:19
competent [1] - 57:15
complaint [1] - 37:13
complaints [1] - 57:23
complete [2] - 6:10, 69:13
completed [2] - 75:17, 101:13
completely [1] - 116:9
complex [1] - 59:16
compliance [1] - 109:20
comply [3] - 109:2, 109:13, 109:17
component [1] - 114:14
components [1] - 101:22

compounding [1] - 9:3
Comptroller [4] - 2:10, 2:17, 22:5, 22:13
concern [5] - 62:12, 96:21, 113:21, 115:12, 116:14
concerned [3] - 50:13, 50:14, 116:13
concerns [3] - 9:3, 9:4, 9:9
conclude [1] - 95:7
concludes [2] - 66:20, 104:8
conclusion [1] - 38:3
Conclusions [19] - 39:8, 39:11, 41:3, 80:24, 81:2, 81:4, 81:22, 82:7, 82:10, 82:18, 82:20, 82:23, 83:1, 83:22, 83:24, 84:3, 84:5, 90:4, 110:17
concur [1] - 105:1
condition [13] - 31:23, 31:24, 34:24, 48:23, 56:14, 57:19, 69:12, 69:23, 70:20, 75:3, 75:11, 75:21, 78:21
conditioning [5] - 46:14, 46:15, 46:16, 46:21, 46:22
Conditioning [1] - 56:12
conditions [5] - 36:23, 75:4, 75:5, 79:5, 87:7
conducted [1] - 3:17
conducting [2] - 24:19, 72:4
conference [1] - 3:17
confirmation [2] - 17:19, 20:17
confirmed [1] - 97:23
conflict [1] - 8:18
connection [1] - 98:1
CONNESSE [1] - 2:18
consensus [1] - 114:4
conservative [1] - 48:9
consider [2] - 82:9, 104:2
consideration [4] - 21:17, 88:9, 95:16, 108:21
Consideration [1] - 82:7
considered [2] - 66:7, 91:24
considering [3] - 6:2,

<p>82:13, 91:8 consistent [9] - 3:20, 4:5, 7:12, 37:3, 40:7, 55:2, 78:15, 80:7, 111:1 constraints [2] - 4:6, 21:14 consultant [6] - 36:9, 54:8, 73:7, 77:22, 94:1, 96:4 consultants [1] - 102:1 contact [1] - 7:17 contains [1] - 118:13 continue [2] - 7:11, 96:13 continued [1] - 37:15 continuing [1] - 16:17 contracted [1] - 87:5 contributions [4] - 21:18, 22:1, 103:8, 103:10 control [2] - 35:2, 114:2 convene [1] - 3:1 Conyears [10] - 11:1, 12:3, 13:3, 14:3, 14:21, 15:3, 16:2, 17:2, 18:6, 19:5 CONYEARS [11] - 2:8, 10:8, 12:4, 13:4, 14:4, 14:18, 15:4, 16:3, 17:3, 18:7, 19:6 Conyears-Ervin [10] - 11:1, 12:3, 13:3, 14:3, 14:21, 15:3, 16:2, 17:2, 18:6, 19:5 CONYEARS-ERVIN [11] - 2:8, 10:8, 12:4, 13:4, 14:4, 14:18, 15:4, 16:3, 17:3, 18:7, 19:6 Cook [1] - 1:13 copy [8] - 26:20, 27:2, 44:5, 74:8, 77:19, 86:4, 87:15, 112:4 correct [29] - 6:23, 26:15, 27:23, 27:24, 31:3, 31:4, 31:6, 36:7, 43:23, 45:5, 48:13, 54:6, 60:4, 60:5, 64:16, 75:15, 75:19, 75:20, 77:17, 86:11, 86:20, 86:21, 86:23, 86:24, 87:16, 87:17, 87:24, 88:1, 118:11 Counsel [1] - 39:6</p>	<p>counsel [11] - 63:4, 63:7, 66:8, 66:15, 80:22, 82:17, 82:19, 83:21, 88:17, 104:20, 108:18 counter [1] - 50:16 COUNTY [1] - 118:2 County [3] - 1:13, 102:19, 118:8 couple [2] - 55:12, 102:22 course [1] - 102:7 Court [2] - 20:15, 88:12 court [1] - 118:7 covered [1] - 30:8 Covid [3] - 5:13, 36:24, 54:23 COVID-19 [2] - 87:5, 87:6 Credit [6] - 92:1, 92:13, 92:24, 93:20, 94:18, 105:2 CSR [1] - 118:17 Cunningham's [1] - 99:9 curious [2] - 66:7, 66:10 current [11] - 31:23, 36:23, 37:17, 43:12, 48:22, 57:19, 66:23, 69:12, 69:23, 78:12 cut [2] - 28:9, 30:5 cutoff [1] - 34:18 cycle [1] - 105:20</p>	<p>46:13, 46:16, 51:14, 51:16, 51:21, 87:3, 87:12, 87:14 decided [1] - 46:8 decision [12] - 8:10, 9:9, 9:22, 28:21, 41:7, 70:9, 82:2, 82:19, 88:12, 90:8, 95:22, 96:6 declaration [1] - 114:17 defer [11] - 59:17, 60:20, 61:1, 62:4, 62:22, 63:8, 65:6, 68:1, 68:3, 69:2, 109:18 deferred [2] - 70:5, 109:6 definitely [1] - 53:3 demand [1] - 22:3 deny [1] - 82:15 department [1] - 57:22 Department [12] - 32:1, 32:24, 35:10, 37:19, 43:13, 43:21, 74:2, 75:15, 75:18, 75:23, 76:2, 79:7 Deputy [3] - 2:16, 32:11, 33:14 describe [3] - 28:3, 34:1, 78:18 described [3] - 48:22, 55:19, 57:13 designate [2] - 99:2, 99:23 desire [3] - 25:8, 42:4, 72:19 detailed [1] - 45:8 details [1] - 45:11 determination [1] - 83:23 determine [3] - 5:6, 102:7, 104:5 determined [1] - 4:6 determining [1] - 110:19 develop [1] - 75:21 Developer [1] - 101:13 developing [1] - 37:12 diagnosed [1] - 50:21 diagnostics [1] - 57:10 died [1] - 87:19 different [4] - 8:13, 30:18, 48:4, 48:12 difficult [1] - 104:4 direct [1] - 33:9 directing [2] - 44:4, 74:7 directives [1] - 88:11</p>	<p>Director [8] - 2:16, 2:16, 3:23, 98:16, 100:22, 101:5, 108:3, 111:24 Director's [1] - 104:9 disabilities [1] - 59:15 disability [6] - 24:9, 27:21, 45:3, 71:21, 109:4, 109:21 Disability [12] - 24:14, 41:13, 72:6, 75:3, 82:16, 87:3, 87:11, 87:23, 88:14, 88:16, 90:13, 104:21 disabled [1] - 87:7 discectomy [1] - 46:9 discomfort [1] - 51:5 discussed [4] - 92:2, 92:4, 95:1, 95:14 discussion [3] - 95:13, 95:20, 97:10 disease [2] - 78:23, 78:24 Disease [2] - 72:6, 75:3 District [6] - 32:12, 33:1, 33:2, 33:14, 33:15, 76:13 docket [1] - 20:16 doctor [19] - 5:16, 30:4, 31:12, 37:21, 37:24, 46:9, 47:4, 51:6, 51:20, 53:19, 54:21, 57:13, 58:3, 58:5, 69:22, 70:18, 70:19, 79:9, 79:12 DOCTOR [1] - 73:14 doctor's [1] - 31:14 document [1] - 62:4 Documents [1] - 113:9 documents [1] - 70:8 done [5] - 54:24, 56:5, 70:14, 97:8, 102:20 down [6] - 28:13, 47:5, 97:19, 100:4, 103:2, 104:10 Dr [8] - 26:5, 35:22, 43:2, 56:2, 73:6, 73:13, 73:15, 77:7 drafted [1] - 96:24 drawdown [2] - 105:24, 106:14 drugs [1] - 49:13 DU [1] - 118:2 due [9] - 8:19, 21:14, 22:1, 22:8, 36:22, 36:24, 54:23, 78:11, 114:22 duly [7] - 26:8, 32:19,</p>	<p>36:1, 43:5, 53:24, 73:19, 77:11 DuPage [1] - 118:8 during [7] - 46:16, 67:24, 75:22, 79:3, 101:22, 102:4 duties [10] - 28:8, 29:3, 32:1, 35:10, 35:12, 35:13, 37:18, 57:21, 79:6, 111:2 Duty [8] - 24:13, 41:12, 82:16, 87:3, 87:11, 87:23, 88:14, 88:16 duty [7] - 28:7, 51:1, 85:1, 85:22, 87:5, 87:23, 88:15</p>
D				E
<p>Daniel [2] - 36:6, 54:5 DANIEL [4] - 2:3, 2:19, 35:24, 53:23 database [1] - 102:11 DATE [1] - 117:23 date [10] - 28:4, 33:9, 45:12, 45:13, 55:18, 65:13, 69:10, 71:14, 86:5, 101:4 dates [2] - 6:9, 6:11 daughter [1] - 5:14 days [4] - 7:14, 46:23, 57:4, 57:5 dead [1] - 46:18 deal [1] - 8:13 Death [1] - 15:16 death [3] - 85:1, 85:22, 87:15 DEBBIE [1] - 118:17 DEBORAH [1] - 118:6 debris [1] - 50:10 December [10] - 5:14,</p>	<p>early [2] - 28:6, 101:17 earn [3] - 31:17, 49:1, 76:17 Economic [2] - 102:18, 102:21 Education [1] - 107:17 effects [2] - 99:4, 103:15 effectuate [1] - 22:24 efficiency [1] - 115:22 egress [2] - 28:19, 34:18 eight [1] - 24:23 either [5] - 33:22, 34:14, 46:10, 46:15, 50:4 elect [1] - 29:20 elected [3] - 8:20, 9:15, 9:20 email [2] - 8:4, 86:7 employee [2] - 99:2, 99:23 EMT [7] - 26:16, 41:13, 43:14, 43:23, 53:9, 74:3 end [6] - 21:24, 23:21, 30:7, 50:11, 51:3, 102:15 ending [2] - 12:17, 19:19 engage [2] - 7:8, 8:2 engaged [7] - 31:8, 31:16, 31:19, 48:24, 49:3, 76:17, 76:20 engagement [1] - 101:24 Engine [8] - 52:23, 53:1, 74:6, 76:7, 76:10, 76:11, 76:14, 76:15</p>			

Engineer [3] - 71:22, 74:3, 76:12
English [1] - 34:21
ensure [1] - 64:20
entered [1] - 75:14
entertain [1] - 65:9
entire [1] - 9:21
entitled [2] - 1:11, 110:22
ENTITLED [1] - 117:22
episode [1] - 55:13
equities [2] - 95:24, 96:1
error [1] - 103:9
Ervin [10] - 11:1, 12:3, 13:3, 14:3, 14:21, 15:3, 16:2, 17:2, 18:6, 19:5
ERVIN [11] - 2:8, 10:8, 12:4, 13:4, 14:4, 14:18, 15:4, 16:3, 17:3, 18:7, 19:6
essentially [2] - 56:4, 56:23
evaluation [1] - 68:5
event [1] - 55:19
events [1] - 62:17
evidence [28] - 7:12, 24:21, 24:24, 25:13, 27:18, 38:3, 41:18, 41:20, 42:9, 44:23, 58:8, 65:8, 65:10, 65:24, 69:17, 70:2, 70:5, 70:6, 72:8, 72:12, 72:23, 74:24, 82:13, 83:19, 85:7, 88:9, 88:18, 88:21
exactly [3] - 6:4, 52:19, 102:10
EXAMINATION [7] - 26:10, 32:21, 36:3, 43:7, 54:2, 73:21, 77:13
examination [2] - 34:23, 37:7
examine [3] - 36:13, 54:12, 78:2
examined [7] - 26:9, 32:20, 36:2, 43:6, 54:1, 73:20, 77:12
excess [1] - 110:23
excited [1] - 101:20
Executive [14] - 2:16, 2:16, 3:23, 9:2, 66:24, 67:4, 67:18, 67:20, 67:21, 98:15, 101:5, 104:8, 108:2, 111:24
executive [1] - 98:9
exercise [1] - 57:7

exercises [1] - 57:2
exertion [1] - 79:4
Exhibit [3] - 36:20, 54:19, 78:9
exhibits [1] - 32:11
Exhibits [18] - 26:21, 26:24, 27:12, 27:17, 44:5, 44:6, 44:17, 44:22, 69:4, 74:8, 74:9, 74:19, 74:23, 77:20, 85:3, 85:6, 86:4, 87:13
exists [1] - 109:4
exit [2] - 35:20, 96:17
expands [1] - 34:10
expect [1] - 103:14
expectations [1] - 96:15
expenditure [2] - 91:8, 93:16
expenditures [2] - 105:13, 108:1
Expenditures [1] - 107:16
Expenses [2] - 21:16, 105:10
expenses [1] - 106:24
explain [2] - 68:22, 103:7
explanation [1] - 21:21
explosion [1] - 34:19
exposure [1] - 92:5
extend [1] - 116:2
extended [1] - 110:21
extent [1] - 70:22
eye [5] - 29:13, 29:16, 30:20, 37:14, 102:24

F

FABF [1] - 114:7
Facebook [1] - 8:4
fact [4] - 59:12, 64:24, 87:4, 110:18
Fact [26] - 39:7, 39:10, 39:14, 41:2, 41:7, 80:23, 81:2, 81:4, 81:7, 81:21, 82:2, 82:7, 82:10, 82:18, 82:20, 82:23, 82:24, 83:22, 83:24, 84:3, 84:4, 89:12, 89:16, 90:3, 90:8, 110:16
facts [1] - 8:13
falling [1] - 109:2
fails [1] - 117:10
fair [1] - 114:18
fall [8] - 30:16, 51:2, 51:14, 51:15, 51:16,

51:20, 51:21, 51:23
far [3] - 43:20, 52:3, 65:15
favor [2] - 91:7, 117:18
February [10] - 11:7, 11:8, 11:9, 11:10, 11:13, 11:16, 27:22, 33:10, 45:4, 92:11
feet [2] - 30:16, 30:17
fell [5] - 28:14, 30:17, 45:21, 49:20, 50:11
felt [2] - 57:11, 101:15
few [3] - 7:14, 33:4, 50:15
fiduciaries [1] - 96:19
fiducially [1] - 22:17
fiduciary [1] - 8:21
fighting [1] - 29:3
figure [1] - 97:7
file [6] - 22:3, 36:19, 54:18, 68:5, 72:18, 78:8
filed [1] - 42:3
filing [1] - 21:18
fill [1] - 103:3
final [2] - 46:9, 92:6
Findings [26] - 39:7, 39:10, 39:14, 41:2, 41:7, 80:23, 81:2, 81:3, 81:7, 81:21, 82:2, 82:7, 82:10, 82:18, 82:20, 82:23, 82:24, 83:22, 83:24, 84:3, 84:4, 89:12, 89:16, 90:3, 90:8, 110:16
findings [1] - 110:18
fine [3] - 91:10, 91:17, 92:20
finish [1] - 100:7
fire [15] - 28:11, 28:12, 28:18, 29:3, 33:19, 34:3, 34:4, 34:7, 34:9, 34:19, 35:2, 43:14, 49:23, 50:4, 57:22
Fire [17] - 32:1, 32:23, 35:10, 37:18, 41:13, 43:12, 43:15, 43:18, 43:19, 43:21, 44:3, 52:16, 52:17, 58:13, 74:1, 75:14, 79:7
firefighter [1] - 26:13
Firefighter [12] - 24:10, 24:14, 26:14, 26:16, 33:17, 36:17, 38:10, 43:14, 43:23, 62:16, 86:19, 88:13
fireman [1] - 35:13

FIREMEN'S [1] - 1:3
Firemen's [1] - 7:13
first [23] - 5:9, 5:10, 11:4, 22:13, 22:14, 22:17, 24:10, 24:22, 26:8, 32:19, 34:5, 36:1, 41:19, 43:5, 53:24, 72:10, 73:19, 77:11, 82:11, 84:20, 98:23, 108:20, 115:8
five [13] - 5:23, 7:20, 25:2, 41:22, 55:13, 67:1, 72:11, 72:14, 95:10, 97:16, 105:4, 115:15, 116:10
flare [2] - 57:3, 57:4
flare-up [1] - 57:4
flare-ups [1] - 57:3
flash [1] - 34:18
flashed [3] - 28:12, 34:7, 34:9
Flexeril [1] - 49:10
Flood [4] - 83:17, 110:15, 110:17, 110:20
Flood's [1] - 83:20
floor [4] - 34:5, 34:8, 34:10, 62:22
flows [1] - 106:7
follow [3] - 36:16, 54:15, 78:5
following [4] - 7:17, 87:23, 88:13, 88:15
follows [8] - 26:9, 32:20, 36:2, 43:6, 54:1, 73:20, 77:12, 88:11
food [1] - 76:23
foot [3] - 29:16, 30:20, 37:10
FOR [1] - 2:12
foregoing [1] - 118:11
foreign [2] - 95:13, 95:17
Formula [1] - 12:16
forth [4] - 7:9, 28:14, 75:12, 109:11
Fortuna [1] - 3:10
FORTUNA [262] - 2:3, 3:1, 3:11, 3:14, 6:17, 8:1, 10:13, 10:24, 11:20, 11:24, 12:2, 12:5, 12:7, 12:9, 12:11, 12:13, 12:20, 12:24, 13:2, 13:5, 13:7, 13:9, 13:11, 13:13, 13:20, 13:24, 14:2, 14:5, 14:7, 14:9, 14:11, 14:13, 14:19, 14:24, 15:2,

15:5, 15:7, 15:9, 15:11, 15:13, 15:19, 15:23, 16:1, 16:4, 16:6, 16:8, 16:10, 16:12, 16:19, 16:23, 17:1, 17:4, 17:6, 17:8, 17:10, 17:12, 17:23, 18:3, 18:5, 18:8, 18:10, 18:12, 18:14, 18:16, 18:22, 19:2, 19:4, 19:7, 19:9, 19:11, 19:13, 19:15, 19:21, 20:2, 20:4, 20:6, 20:8, 20:10, 20:12, 20:21, 21:1, 21:3, 21:5, 21:7, 21:9, 21:11, 21:19, 23:6, 23:11, 23:13, 23:15, 23:17, 23:24, 24:4, 27:14, 32:5, 32:8, 35:16, 37:23, 38:13, 38:18, 38:20, 38:22, 38:24, 39:2, 39:4, 39:13, 39:18, 39:20, 39:22, 39:24, 40:2, 40:4, 40:10, 40:14, 40:16, 40:18, 40:20, 40:22, 40:24, 44:19, 49:16, 53:7, 53:16, 58:4, 58:9, 58:15, 58:20, 58:22, 59:4, 59:7, 59:10, 59:20, 60:3, 60:6, 60:10, 60:14, 61:15, 61:17, 61:19, 61:21, 62:1, 62:21, 63:1, 63:18, 63:22, 63:24, 64:2, 64:4, 64:6, 64:8, 64:12, 64:23, 66:18, 67:6, 67:10, 67:12, 67:14, 67:16, 67:23, 68:7, 68:11, 68:13, 68:15, 68:17, 71:19, 74:21, 77:3, 77:6, 79:11, 79:14, 79:17, 79:22, 79:24, 80:2, 80:4, 80:9, 80:14, 80:16, 80:18, 80:20, 81:6, 81:11, 81:13, 81:15, 81:17, 82:3, 83:3, 83:7, 83:9, 83:11, 83:13, 84:7, 84:11, 84:13, 84:15, 84:17, 85:4, 86:15, 88:4, 88:7, 88:23, 89:3, 89:5, 89:7, 89:9, 89:15, 89:19, 89:21, 89:23, 90:1, 90:17, 90:21, 90:23, 91:1, 93:3, 93:7, 93:9,

93:11, 94:5, 94:9, 94:11, 94:13, 95:5, 95:9, 98:4, 101:8, 103:12, 103:16, 103:18, 104:18, 106:21, 107:3, 107:7, 107:9, 107:11, 107:13, 108:5, 108:9, 108:11, 108:13, 108:15, 109:16, 109:24, 110:2, 110:6, 110:8, 110:10, 110:12, 111:6, 111:11, 111:15, 111:17, 111:19, 111:21, 116:16, 116:20, 116:24, 117:4, 117:7, 117:9, 117:17
forward [1] - 96:6
four [7] - 46:22, 46:23, 91:5, 91:7, 91:23, 92:6, 98:18
fraud [1] - 110:23
free [1] - 56:23
front [3] - 28:15, 28:16, 29:10
froze [1] - 45:20
full [2] - 28:23, 32:2
function [3] - 36:9, 54:8, 77:22
Functional [1] - 30:1
fund [4] - 22:13, 22:14, 36:10, 54:9
FUND [1] - 1:3
Fund [21] - 2:18, 6:21, 7:5, 7:14, 9:1, 9:21, 9:23, 17:20, 20:18, 22:1, 22:7, 24:18, 41:16, 72:3, 77:23, 85:17, 92:10, 97:12, 101:21, 109:8, 110:24
Fund's [6] - 3:22, 4:4, 8:15, 70:19, 73:7, 92:4
funding [1] - 22:22
funds [4] - 22:15, 113:4, 113:6, 115:13
fusion [2] - 55:10
future [1] - 31:13

G

garage [1] - 34:15
Gatto [1] - 99:5
Gellar [1] - 99:11
general [1] - 95:21
generally [1] - 116:11

gentleman [1] - 34:14
gentlemen [1] - 100:5
given [11] - 26:1, 37:17, 42:21, 58:23, 59:1, 66:23, 73:9, 95:24, 96:21, 118:10, 118:13
god [1] - 90:9
good-bye [1] - 71:18
Granat [1] - 52:17
grant [22] - 17:18, 25:14, 38:10, 38:14, 41:4, 42:10, 58:10, 58:12, 58:16, 60:16, 69:18, 72:24, 79:15, 79:18, 81:23, 87:23, 88:14, 88:15, 88:19, 90:5, 109:15, 115:17
granted [3] - 60:18, 87:2, 87:11
granting [1] - 91:6
grave [1] - 9:2
great [2] - 95:19, 101:16
ground [1] - 45:21
Guardianship [1] - 17:16
guardianship [1] - 17:18
guess [1] - 52:8
Guevara [1] - 99:11
Guideline [1] - 92:3
Guidelines [4] - 92:9, 92:14, 94:3, 105:4
guys [4] - 28:13, 52:19, 52:22, 52:23

H

half [2] - 46:17, 47:2
hand [4] - 32:16, 43:2, 67:23, 106:8
handled [1] - 104:20
handling [1] - 85:17
hands [3] - 10:19, 26:5, 73:16
happy [2] - 8:13, 103:2
hard [2] - 51:4, 52:8
Hardening [1] - 56:11
head [4] - 69:8, 69:12, 69:24, 70:20
hear [12] - 5:2, 5:3, 24:24, 41:20, 62:18, 65:9, 66:2, 72:11, 81:19, 98:3, 100:14, 109:11
heard [5] - 30:12, 65:5, 99:6, 100:23, 109:5
hearing [23] - 5:6, 24:13, 26:23, 32:8, 35:18, 38:1, 41:12, 44:6, 53:8, 58:6, 58:7, 64:22, 70:7, 70:11, 71:15, 72:4, 74:10, 82:12, 83:18, 85:21, 88:7, 106:22, 117:15
heart [3] - 76:3, 78:23, 87:6
heat [2] - 49:11, 57:8
heavier [1] - 46:6
heavy [5] - 34:4, 47:12, 47:14, 57:11, 57:24
heel [2] - 37:10, 37:15
held [1] - 1:12
hello [1] - 85:13
help [6] - 9:7, 9:11, 46:8, 51:8, 70:23, 102:1
helps [1] - 102:13
hereby [1] - 3:1
herein [7] - 26:8, 32:19, 36:1, 43:5, 53:24, 73:19, 77:11
herniation [1] - 56:8
Hester [8] - 71:22, 71:23, 72:1, 73:15, 73:24, 78:6, 78:22, 81:19
HESTER [9] - 71:24, 72:9, 72:16, 72:20, 73:2, 73:11, 73:18, 81:20, 82:5
hester [1] - 72:2
hidden [1] - 50:9
hip [1] - 29:23
hire [1] - 101:13
hiring [1] - 101:23
history [7] - 45:9, 48:5, 48:6, 52:2, 55:8, 59:2, 76:6
hit [2] - 46:6, 100:12
hold [4] - 8:4, 59:20, 63:3, 95:23
hole [2] - 28:9, 28:14
home [4] - 46:3, 57:7, 79:1, 100:4
honor [1] - 100:16
hoping [1] - 113:18
hospital [4] - 29:9, 29:11, 35:3, 50:21
hour [1] - 1:14
hours [2] - 46:22, 59:14
House [7] - 98:20, 98:21, 99:5, 99:12, 99:21, 100:19, 101:2
Hurley [1] - 99:17

hurt [2] - 49:19, 49:21
hypertension [2] - 75:6, 78:23

I

icing [1] - 50:16
identified [4] - 4:20, 53:14, 53:17, 66:13
ILLINOIS [1] - 118:1
Illinois [7] - 1:14, 7:3, 109:3, 109:20, 111:2, 112:8, 118:9
illnesses [1] - 5:19
immediately [3] - 29:2, 45:21, 101:6
immense [1] - 45:20
impair [1] - 115:2
impaired [1] - 113:24
impartial [1] - 8:10
important [5] - 25:23, 42:19, 66:1, 73:9, 97:9
importantly [1] - 69:6
improve [1] - 37:15
improved [1] - 56:9
improvement [1] - 48:18
IN [2] - 1:7, 117:22
in-person [2] - 64:17, 104:1
inactive [1] - 56:24
incidences [1] - 47:15
incident [6] - 30:10, 30:22, 35:11, 37:11, 47:20, 48:2
incidents [1] - 48:7
include [1] - 76:24
included [2] - 31:1, 107:19
including [4] - 10:3, 10:4, 30:19, 65:10
income [3] - 31:17, 49:1, 76:18
incorrectly [1] - 103:5
increase [1] - 56:7
incur [1] - 87:6
independent [1] - 9:8
indicate [6] - 32:11, 48:3, 86:18, 87:2, 87:13, 87:19
indicated [4] - 48:17, 55:7, 55:8, 108:24
indicates [2] - 69:7, 109:9
indication [2] - 37:9, 64:14
individual [1] - 114:16
individual's [1] - 114:24
information [21] - 6:6, 6:8, 7:5, 7:21, 9:8, 9:12, 37:2, 51:17, 51:24, 55:1, 55:2, 68:4, 69:14, 69:19, 70:12, 70:15, 70:22, 71:1, 78:14, 78:15, 109:10
informed [2] - 8:21, 70:9
Infrastructure [1] - 94:20
injection [2] - 49:20, 51:7
injections [2] - 46:7, 56:6
injure [1] - 48:7
injured [3] - 30:19, 33:23, 45:12
injuries [9] - 27:21, 29:15, 30:21, 45:3, 48:4, 48:9, 52:6, 69:8, 69:20
injuring [1] - 49:20
injury [14] - 27:21, 45:3, 50:24, 55:11, 59:1, 59:2, 62:14, 69:9, 69:12, 69:13, 69:24, 70:20, 71:3
instead [1] - 28:22
intention [1] - 23:20
intercept [4] - 21:18, 22:4, 22:7, 22:24
interest [2] - 69:18, 96:20
Interest [1] - 102:18
intermittent [1] - 56:16
interprets [1] - 22:13
interrupt [1] - 92:19
intervention [1] - 116:1
interventions [1] - 57:10
interview [9] - 36:13, 36:22, 37:1, 54:21, 55:7, 57:5, 78:2, 78:11, 78:20
interviewing [1] - 50:4
introduce [1] - 33:3
introduced [1] - 115:15
introducing [1] - 85:15
investigate [1] - 69:22
Investigation [1] - 44:3
Investment [17] - 2:17, 11:8, 11:10, 11:16, 91:20, 91:21, 92:3,

92:7, 92:8, 92:9, 92:14, 92:23, 94:2, 95:8, 96:5, 105:4, 106:1 investment [5] - 93:24, 94:23, 95:4, 95:13, 96:4 Investments [1] - 91:14 investments [3] - 92:5, 95:17, 96:11 involve [2] - 91:8, 93:16 involved [4] - 69:20, 83:16, 96:23, 98:5 involves [1] - 108:22 iOS [1] - 102:14 irritated [1] - 29:13 issue [13] - 7:24, 23:2, 29:16, 30:2, 63:8, 64:19, 69:10, 70:3, 92:1, 95:18, 97:12, 105:1, 113:19 issued [1] - 93:1 issues [2] - 36:24, 37:10 issuing [1] - 92:12 item [9] - 65:3, 91:13, 92:6, 95:16, 104:9, 110:14, 111:23, 112:20, 112:21 Item [1] - 90:12 items [2] - 91:23, 97:17 Items [1] - 11:5 itself [1] - 30:11 IV [2] - 46:2	30:11, 30:13, 34:15, 34:16, 63:4 jumping [2] - 28:22, 34:14 K kangaroo [1] - 6:3 keep [11] - 6:6, 6:9, 9:8, 11:17, 62:23, 63:1, 75:9, 102:8, 102:24, 115:20, 116:8 KELLY [1] - 2:16 Kelly [6] - 96:8, 100:9, 101:10, 105:9, 114:22, 116:4 kept [1] - 28:11 kilograms [1] - 46:18 kind [8] - 29:22, 31:20, 52:8, 102:14, 104:5, 105:24, 114:2, 115:21 kindergarten [1] - 50:9 kitty [1] - 52:5 knee [10] - 29:13, 29:17, 29:18, 29:21, 30:20, 31:2, 31:12, 37:10, 56:20 knees [1] - 37:13 knowledge [2] - 35:9, 48:18 known [1] - 114:5 Kroll [3] - 47:24, 52:9, 53:10 kroll [1] - 53:12 KROLL [1] - 47:24	Law [19] - 39:8, 39:11, 41:3, 80:24, 81:2, 81:4, 81:22, 82:8, 82:10, 82:18, 82:20, 82:23, 83:1, 83:22, 83:24, 84:3, 84:5, 90:4, 110:17 law [5] - 7:3, 22:6, 22:13, 110:19, 112:8 layup [9] - 26:18, 31:16, 44:2, 48:6, 48:24, 51:12, 51:22, 74:5, 76:16 layups [1] - 52:7 Leader [1] - 99:9 leading [1] - 63:10 learn [2] - 33:23, 34:22 learned [2] - 37:7, 78:19 least [6] - 24:23, 25:2, 41:19, 41:22, 57:6, 95:17 leave [3] - 10:21, 62:18, 106:10 left [2] - 46:9, 100:6 Legal [3] - 111:23, 113:11, 113:12 legal [7] - 10:3, 63:4, 63:6, 66:7, 96:18, 108:18, 112:7 Legislative [2] - 98:3, 98:5 less [2] - 59:14, 100:1 letter [2] - 5:9, 5:10 letters [4] - 5:11, 5:24, 6:6, 6:9 levels [1] - 75:9 License [1] - 118:18 Lieutenant [5] - 45:22, 47:24, 53:10, 82:14, 82:15 lieutenant [2] - 47:21, 65:17 life [1] - 34:20 lift [2] - 46:6, 46:18 lifting [5] - 47:12, 47:14, 56:17, 57:12, 57:24 light [1] - 56:23 likely [1] - 110:22 Lim [1] - 56:2 limit [4] - 114:19, 115:2, 115:8, 117:3 limitations [2] - 30:4, 47:16 limited [2] - 30:3, 115:5 limits [3] - 112:12, 114:15, 115:16	limping [1] - 29:7 line [18] - 22:18, 24:24, 32:13, 32:14, 33:8, 35:20, 41:20, 53:11, 53:13, 68:20, 71:8, 71:9, 71:23, 73:13, 85:1, 85:22, 99:19, 113:1 lined [1] - 112:4 list [2] - 99:20, 107:22 listed [3] - 20:16, 32:12, 53:9 liters [1] - 75:9 litter [1] - 52:5 live [1] - 98:1 locate [1] - 50:6 located [1] - 56:18 Lockhart's [1] - 101:23 look [9] - 8:3, 8:5, 50:5, 65:19, 70:19, 100:20, 102:13, 102:15, 113:17 looked [3] - 28:19, 74:13, 115:12 looking [4] - 51:11, 92:15, 96:17, 104:2 looks [4] - 49:18, 51:13, 52:1, 103:23 Lori [1] - 109:9 LORI [1] - 2:16 Lorna [8] - 91:19, 93:18, 93:21, 96:9, 97:10, 105:24, 107:20, 107:23 LORNA [1] - 2:17 lose [1] - 10:14 lost [1] - 50:3 low [3] - 29:23, 49:20, 56:16 lower [3] - 46:8, 48:4, 50:19 LTD [1] - 2:13 luck [2] - 41:8, 82:4 LUND [1] - 2:16 lung [4] - 75:21, 76:3, 78:24, 87:6 lungs [1] - 75:11 M M.D [4] - 2:19, 35:24, 53:23, 77:10 ma'am [1] - 68:22 machine [1] - 75:7 Maiesha [2] - 66:22, 68:3 mail [3] - 41:6, 82:1, 90:7 mailed [1] - 5:11	majority [1] - 91:9 maker [2] - 8:11, 9:9 manage [2] - 49:11, 51:4 Manager [2] - 92:9, 94:3 manager [3] - 92:24, 93:20, 105:2 managers [1] - 96:15 managing [1] - 50:24 Mankowski [7] - 41:14, 43:1, 43:11, 53:19, 54:16, 58:13, 65:4 MANKOWSKI [17] - 42:1, 42:6, 42:13, 42:23, 43:4, 49:23, 51:15, 51:19, 52:4, 52:11, 52:14, 52:24, 53:3, 53:6, 53:21, 65:15, 66:9 Mankowski's [2] - 62:16, 62:17 manner [2] - 22:11, 115:21 March [7] - 1:14, 3:2, 21:24, 22:12, 91:22, 101:18, 106:2 Marconi [1] - 9:22 Mark [6] - 5:1, 41:14, 43:11, 49:18, 53:5, 66:6 MARK [1] - 43:4 mark [3] - 7:22, 8:3, 108:23 marked [4] - 26:21, 36:20, 54:19, 78:9 Marlon [3] - 82:12, 82:14, 82:15 married [1] - 86:19 Marshal [8] - 41:13, 43:14, 43:15, 43:18, 43:19, 52:16, 52:17, 58:13 Martin [56] - 3:4, 11:21, 12:7, 13:7, 13:21, 14:7, 15:7, 16:6, 17:6, 18:10, 19:9, 19:23, 20:6, 21:5, 23:7, 23:13, 38:22, 39:22, 40:18, 58:17, 58:22, 60:3, 60:16, 64:2, 66:19, 67:7, 67:12, 68:8, 68:13, 79:18, 79:24, 80:16, 81:13, 83:4, 83:9, 84:13, 89:5, 89:21, 90:18, 90:23, 91:11, 91:16, 92:18, 93:4, 93:9, 94:6,
J	L			
Jackie [3] - 21:23, 22:20, 105:12 Jackson [4] - 92:2, 92:14, 94:3, 105:3 JACLYN [1] - 2:17 Jacques [1] - 19:19 James [1] - 19:19 January [2] - 31:5, 31:7 Jeanne [1] - 83:16 Jerod [2] - 101:23, 102:6 job [2] - 57:12, 76:4 JOHN [1] - 2:18 join [1] - 98:8 joint [3] - 50:24, 51:6, 51:7 jump [3] - 28:21, 34:17, 34:21 jumped [6] - 29:1,	lacking [2] - 69:13, 70:16 ladder [4] - 28:12, 28:18, 30:12 ladies [1] - 100:5 laid [6] - 52:2, 55:12, 55:13, 55:15, 55:16 land [2] - 30:15, 30:16 landed [1] - 30:17 large [1] - 103:14 Last [1] - 83:18 last [13] - 4:22, 7:14, 26:17, 44:1, 57:3, 57:4, 74:4, 82:8, 82:12, 87:4, 103:19, 111:23, 112:20 lastly [3] - 25:11, 42:7, 72:21 late [2] - 46:15, 69:5			

<p>94:11, 95:11, 107:4, 107:9, 108:6, 108:11, 110:8, 111:12, 111:17, 117:4</p> <p>MARTIN [77] - 2:7, 3:5, 11:19, 12:8, 13:8, 13:19, 14:8, 15:8, 16:7, 17:7, 18:11, 19:10, 19:20, 20:7, 21:6, 23:1, 23:14, 23:22, 38:23, 39:23, 40:19, 49:18, 51:11, 51:18, 52:1, 52:5, 52:12, 52:22, 53:2, 53:5, 58:14, 58:23, 60:5, 62:11, 63:5, 64:3, 66:11, 67:5, 67:13, 68:6, 68:14, 79:15, 80:1, 80:17, 81:14, 83:2, 83:10, 84:14, 89:6, 89:14, 89:22, 90:16, 90:24, 91:5, 91:12, 91:17, 92:17, 92:20, 93:2, 93:10, 94:12, 95:3, 95:6, 95:19, 96:21, 97:14, 104:14, 106:18, 107:2, 107:10, 108:4, 108:12, 110:9, 111:10, 111:18, 116:7, 117:5</p> <p>Martwick [1] - 99:16</p> <p>Mary [8] - 6:19, 8:19, 9:16, 10:5, 21:16, 62:11, 63:10, 94:18</p> <p>MARY [2] - 2:11, 2:13</p> <p>MATTER [1] - 1:7</p> <p>matter [45] - 1:12, 3:18, 6:23, 7:11, 8:5, 8:9, 8:23, 24:19, 25:16, 38:3, 39:8, 39:11, 41:21, 42:4, 42:12, 54:22, 61:1, 61:8, 62:12, 65:1, 65:6, 65:11, 66:20, 68:3, 68:24, 69:2, 70:5, 71:13, 74:15, 81:4, 82:11, 83:1, 83:16, 83:19, 84:5, 84:23, 85:15, 85:17, 86:10, 88:8, 109:18, 110:15, 110:17, 110:19, 111:3</p> <p>matters [7] - 4:10, 8:24, 17:19, 24:20, 41:17, 72:8, 82:8</p> <p>maximum [1] - 48:17</p> <p>McCardle [1] - 29:5</p>	<p>mean [1] - 30:5</p> <p>means [3] - 28:19, 49:12, 93:18</p> <p>mechanism [2] - 57:15, 59:1</p> <p>median [1] - 115:14</p> <p>Medical [4] - 47:4, 47:7, 55:21, 55:24</p> <p>medical [15] - 5:7, 7:4, 7:12, 7:16, 10:4, 36:12, 37:3, 37:8, 48:17, 54:11, 55:3, 68:4, 78:1, 78:16, 109:4</p> <p>medications [1] - 49:6</p> <p>meet [1] - 91:21</p> <p>MEETING [2] - 1:7, 117:22</p> <p>Meeting [2] - 11:7, 114:8</p> <p>meeting [27] - 1:11, 3:2, 3:15, 3:16, 3:24, 4:1, 4:7, 4:14, 7:18, 10:22, 11:2, 11:14, 11:15, 11:17, 65:2, 65:10, 65:12, 82:9, 95:15, 97:7, 106:1, 112:14, 113:24, 114:7, 115:20, 116:9, 117:16</p> <p>meetings [2] - 99:3, 115:20</p> <p>Meetings [4] - 4:1, 98:11, 100:10, 112:8</p> <p>meets [1] - 88:10</p> <p>MELISSA [1] - 2:8</p> <p>member [1] - 9:11</p> <p>MEMBER [315] - 3:4, 3:5, 3:6, 3:7, 3:8, 3:9, 3:10, 3:12, 7:22, 8:3, 8:19, 9:14, 9:24, 10:8, 10:10, 10:12, 11:3, 11:19, 11:23, 12:1, 12:4, 12:6, 12:8, 12:10, 12:12, 12:15, 12:19, 12:23, 13:1, 13:4, 13:6, 13:8, 13:10, 13:12, 13:15, 13:19, 13:23, 14:1, 14:4, 14:6, 14:8, 14:10, 14:12, 14:15, 14:18, 14:23, 15:1, 15:4, 15:6, 15:8, 15:10, 15:12, 15:15, 15:18, 15:22, 15:24, 16:3, 16:5, 16:7, 16:9, 16:11, 16:14, 16:18, 16:22, 16:24, 17:3, 17:5, 17:7, 17:9, 17:11,</p>	<p>17:14, 17:22, 18:2, 18:4, 18:7, 18:9, 18:11, 18:13, 18:15, 18:18, 18:21, 19:1, 19:3, 19:6, 19:8, 19:10, 19:12, 19:14, 19:17, 19:20, 20:1, 20:3, 20:5, 20:7, 20:9, 20:11, 20:14, 20:20, 20:24, 21:2, 21:4, 21:6, 21:8, 21:10, 21:13, 23:1, 23:5, 23:10, 23:12, 23:14, 23:16, 23:18, 23:22, 23:23, 24:1, 24:3, 24:8, 32:7, 38:9, 38:12, 38:17, 38:19, 38:21, 38:23, 39:1, 39:3, 39:6, 39:12, 39:17, 39:19, 39:21, 39:23, 40:1, 40:3, 40:6, 40:9, 40:13, 40:15, 40:17, 40:19, 40:21, 40:23, 49:18, 51:11, 51:18, 52:1, 52:5, 52:12, 52:22, 53:2, 53:5, 58:11, 58:14, 58:19, 58:21, 58:23, 59:5, 59:9, 59:12, 59:24, 60:5, 60:8, 60:12, 60:21, 61:11, 61:16, 61:18, 62:3, 62:11, 63:3, 63:5, 63:6, 63:15, 63:16, 63:21, 63:23, 64:1, 64:3, 64:5, 64:7, 66:5, 66:10, 66:11, 66:21, 67:3, 67:5, 67:9, 67:11, 67:13, 67:15, 68:6, 68:10, 68:12, 68:14, 68:16, 71:20, 77:5, 79:13, 79:15, 79:16, 79:21, 79:23, 80:1, 80:3, 80:6, 80:8, 80:13, 80:15, 80:17, 80:19, 80:22, 81:5, 81:10, 81:12, 81:14, 81:16, 82:6, 83:2, 83:6, 83:8, 83:10, 83:12, 83:15, 84:6, 84:10, 84:12, 84:14, 84:16, 84:19, 88:6, 88:17, 88:22, 89:2, 89:4, 89:6, 89:8, 89:11, 89:14, 89:18, 89:20, 89:22, 89:24, 90:11, 90:16, 90:20, 90:22, 90:24, 91:5, 91:12, 91:13, 91:17, 92:17, 92:20,</p>	<p>92:21, 93:2, 93:6, 93:8, 93:10, 93:23, 94:8, 94:10, 94:12, 95:3, 95:6, 95:19, 96:21, 97:14, 97:18, 104:14, 104:19, 105:6, 105:9, 106:18, 106:23, 107:2, 107:6, 107:8, 107:10, 107:12, 107:15, 107:24, 108:4, 108:8, 108:10, 108:12, 108:14, 108:17, 109:22, 110:1, 110:5, 110:7, 110:9, 110:11, 111:8, 111:10, 111:14, 111:16, 111:18, 111:20, 112:15, 112:17, 112:22, 113:9, 113:14, 113:18, 114:13, 114:22, 116:3, 116:7, 116:19, 116:23, 117:1, 117:5, 117:8, 117:12</p> <p>Member [15] - 12:17, 12:18, 13:17, 14:17, 15:17, 16:16, 16:17, 17:17, 18:19, 20:17, 108:22, 109:13</p> <p>Member's [1] - 109:17</p> <p>members [13] - 4:9, 8:20, 9:14, 9:15, 9:19, 9:21, 25:20, 34:1, 37:6, 42:16, 45:15, 73:5, 87:2</p> <p>MEMBERS [1] - 2:2</p> <p>membership [2] - 9:15, 103:15</p> <p>men [2] - 34:7, 34:12</p> <p>mentioned [2] - 30:18, 65:16</p> <p>MICHAEL [2] - 73:18, 77:10</p> <p>Michael [1] - 71:21</p> <p>michael [2] - 73:24, 77:16</p> <p>microdiscectomy [3] - 46:11, 48:15, 56:9</p> <p>midback [1] - 29:23</p> <p>might [4] - 66:24, 70:2, 98:12, 100:6</p> <p>Mike [1] - 71:24</p> <p>million [6] - 105:22, 106:3, 106:4, 106:6, 106:9, 106:10</p> <p>Minimum [1] - 12:16</p> <p>minor [1] - 112:5</p>	<p>minute [6] - 4:18, 95:10, 97:16, 113:17, 117:2, 117:3</p> <p>Minutes [6] - 11:6, 11:8, 11:9, 11:13, 11:15, 11:18</p> <p>minutes [10] - 35:1, 112:13, 112:14, 115:13, 115:14, 115:17, 116:10, 116:11, 116:14, 117:2</p> <p>mirror [1] - 99:22</p> <p>mixed [1] - 52:16</p> <p>mixing [1] - 52:20</p> <p>modification [2] - 92:3, 112:11</p> <p>modified [2] - 94:3, 112:11</p> <p>moment [1] - 47:20</p> <p>Monday [1] - 91:22</p> <p>Monday/Tuesday [1] - 46:24</p> <p>money [2] - 91:9, 93:16</p> <p>monitor [1] - 96:13</p> <p>monitoring [2] - 97:13, 100:12</p> <p>month [18] - 7:11, 14:19, 17:15, 17:17, 23:21, 31:15, 61:9, 61:10, 62:24, 64:17, 68:1, 82:12, 83:18, 101:17, 105:14, 105:15, 109:13, 109:19</p> <p>month's [2] - 65:1, 82:8</p> <p>months [10] - 5:24, 7:21, 55:14, 55:15, 55:16, 55:17, 55:23, 56:3, 56:6, 76:10</p> <p>MORALES [2] - 4:21, 10:20</p> <p>morning [13] - 4:12, 4:14, 10:8, 24:16, 28:6, 41:15, 71:24, 72:2, 85:14, 86:1, 86:2, 98:6, 98:15</p> <p>most [2] - 23:2, 95:24</p> <p>mostly [1] - 56:17</p> <p>Motion [31] - 12:14, 13:14, 14:14, 15:14, 16:13, 17:13, 18:17, 19:16, 20:13, 21:12, 24:5, 39:5, 40:5, 41:1, 64:9, 67:17, 68:18, 80:5, 80:21, 81:18, 83:14, 84:18, 89:10, 90:2, 91:4,</p>
--	--	--	---	--

93:14, 94:16,
107:14, 108:16,
110:13, 111:22
motion [114] - 11:12,
11:20, 12:16, 12:20,
13:16, 13:20, 14:16,
15:16, 15:19, 16:15,
16:19, 17:18, 17:23,
18:20, 18:22, 19:18,
19:21, 20:15, 20:21,
23:3, 23:6, 38:9,
38:13, 39:10, 39:13,
40:7, 40:10, 58:9,
58:12, 58:15, 59:7,
59:17, 59:22, 60:2,
60:7, 60:9, 60:12,
60:14, 60:16, 60:17,
60:18, 60:19, 60:23,
61:3, 61:4, 61:5,
61:7, 61:13, 61:20,
61:21, 61:24, 62:2,
62:3, 62:8, 62:22,
63:4, 63:8, 63:17,
63:18, 64:19, 65:6,
67:3, 68:2, 68:7,
69:1, 69:2, 79:15,
79:17, 80:6, 80:9,
81:3, 81:6, 82:24,
83:3, 84:4, 84:7,
88:19, 88:23, 89:11,
89:15, 90:14, 90:17,
91:10, 92:15, 92:17,
93:3, 93:15, 93:21,
94:1, 94:5, 95:6,
98:5, 106:23, 107:3,
108:1, 108:5, 109:6,
109:17, 109:23,
109:24, 111:1,
111:4, 111:6, 111:9,
111:11, 112:9,
112:16, 116:5,
116:17, 116:20,
117:10, 117:16,
117:17
move [16] - 10:22,
21:15, 24:8, 27:11,
44:16, 45:21, 65:3,
74:18, 85:2, 86:3,
86:13, 92:22, 97:19,
100:24, 104:13,
108:18
moved [1] - 65:1
moving [20] - 10:15,
12:15, 13:15, 14:15,
15:15, 17:16, 66:21,
71:20, 82:6, 84:19,
90:11, 99:21, 100:3,
104:19, 106:22,
107:15, 115:21,
116:9, 117:11,
117:12

MR [146] - 2:14, 4:13,
4:21, 4:22, 5:1, 5:3,
5:5, 7:7, 7:20, 8:6,
10:18, 10:20, 10:21,
24:12, 25:5, 25:6,
25:10, 25:11, 25:17,
25:18, 26:3, 26:4,
26:11, 27:10, 27:16,
27:19, 32:3, 32:10,
32:14, 32:15, 32:22,
35:14, 35:19, 36:4,
37:21, 38:2, 38:6,
38:8, 41:9, 41:11,
42:1, 42:2, 42:6,
42:7, 42:13, 42:14,
42:23, 42:24, 43:8,
44:15, 44:21, 45:1,
49:14, 49:23, 51:15,
51:19, 52:4, 52:11,
52:14, 52:24, 53:3,
53:6, 53:9, 53:12,
53:18, 53:21, 54:3,
58:2, 58:7, 64:10,
64:14, 65:4, 65:15,
65:22, 66:9, 66:20,
68:2, 68:19, 68:22,
70:17, 71:4, 71:7,
71:10, 71:11, 71:16,
71:17, 71:23, 71:24,
72:2, 72:9, 72:10,
72:16, 72:17, 72:20,
72:21, 73:2, 73:3,
73:11, 73:12, 73:15,
73:22, 74:17, 75:1,
77:1, 77:7, 77:14,
79:9, 81:20, 82:5,
84:23, 85:8, 85:10,
85:14, 85:20, 86:3,
86:8, 86:12, 86:17,
86:22, 87:1, 87:10,
87:18, 87:22, 88:2,
88:8, 97:23, 98:6,
98:7, 98:15, 100:18,
100:22, 101:7,
101:9, 101:11,
103:13, 103:17,
103:19, 105:11,
107:18, 112:19,
113:1, 113:11,
113:15, 113:21,
114:19, 115:7
MRI [4] - 55:14, 56:2,
56:4, 56:6
MRSA [1] - 100:18
MS [58] - 2:13, 6:19,
7:8, 8:7, 9:7, 9:18,
10:7, 10:16, 21:21,
60:18, 60:24, 61:20,
61:23, 62:7, 62:20,
62:23, 63:13, 66:23,
68:21, 70:15, 71:2,

71:6, 71:18, 85:13,
85:19, 86:2, 86:6,
86:11, 86:21, 86:24,
87:9, 87:17, 87:21,
88:1, 90:10, 91:7,
91:15, 91:20, 92:18,
93:15, 94:17, 95:11,
96:10, 97:4, 97:15,
97:21, 98:2, 101:10,
104:12, 104:23,
105:7, 105:13,
106:19, 108:20,
109:18, 110:14,
111:23, 116:5
MURPHY [89] - 2:6,
3:4, 3:6, 3:8, 3:10,
3:12, 11:3, 11:23,
12:15, 12:23, 13:15,
13:23, 14:15, 14:23,
15:15, 15:22, 16:14,
16:22, 17:14, 18:2,
18:18, 19:1, 19:17,
20:1, 20:14, 20:24,
21:13, 23:5, 23:10,
24:8, 32:7, 38:9,
38:17, 39:6, 39:17,
40:6, 40:13, 58:11,
58:19, 59:24, 60:8,
63:21, 66:21, 67:3,
67:9, 68:2, 68:10,
71:20, 77:5, 79:13,
79:16, 79:21, 80:6,
80:13, 80:22, 81:10,
82:6, 83:6, 83:15,
84:10, 84:19, 88:6,
88:17, 89:2, 89:11,
89:18, 90:11, 90:20,
91:13, 92:21, 93:6,
93:23, 94:8, 97:18,
104:19, 105:9,
106:23, 107:6,
107:15, 107:24,
108:8, 108:17,
109:22, 110:5,
111:8, 111:14,
112:15, 116:23,
117:12
Murphy [66] - 11:21,
11:22, 12:21, 12:22,
13:21, 13:22, 14:20,
14:22, 15:20, 15:21,
16:20, 16:21, 17:24,
18:1, 18:23, 18:24,
19:22, 19:24, 20:22,
20:23, 23:8, 23:9,
38:14, 38:16, 39:14,
39:16, 40:11, 40:12,
58:16, 58:18, 59:21,
59:22, 60:6, 60:15,
60:22, 63:20, 67:8,
68:8, 68:9, 79:19,

79:20, 80:10, 80:12,
81:7, 81:9, 83:4,
83:5, 84:8, 84:9,
89:1, 89:17, 90:18,
90:19, 93:5, 94:6,
94:7, 107:4, 107:5,
108:6, 108:7, 110:4,
111:12, 111:13,
116:6, 116:21,
116:22
muscle [1] - 46:1

N

name [8] - 5:1, 6:19,
26:12, 36:5, 43:9,
54:4, 73:23, 77:15
names [1] - 65:18
nature [2] - 6:1, 9:4
NCPERS [1] - 107:21
near [1] - 45:22
necessary [2] - 22:4,
70:8
neck [3] - 29:24, 52:6,
55:11
need [17] - 7:16, 9:13,
10:4, 22:23, 41:21,
58:9, 69:19, 70:13,
70:22, 75:6, 82:9,
91:5, 98:2, 103:16,
104:7, 105:23, 111:4
needed [1] - 6:5
needs [5] - 7:19,
64:18, 70:20,
103:23, 105:19
never [3] - 5:12, 87:22,
88:14
New [1] - 117:13
new [4] - 71:14, 113:3,
114:24, 115:6
news [2] - 101:12
next [23] - 6:15, 31:14,
31:15, 37:12, 50:15,
51:12, 61:7, 61:10,
62:24, 64:17, 64:21,
65:1, 65:3, 65:10,
65:12, 66:22, 68:1,
70:11, 71:15, 71:21,
91:13, 102:21,
110:14
night [2] - 75:7, 79:1
nine [3] - 4:16, 4:24
NO [1] - 1:7
nobody [2] - 5:14, 6:4
non [1] - 112:5
non-substantive [1] -
112:5
noncompliance [1] -
5:8
none [11] - 17:15,

32:9, 35:18, 38:1,
53:8, 58:6, 58:7,
58:24, 77:6, 88:7,
106:22
nonstop [1] - 5:19
normal [1] - 105:14
normally [1] - 106:15
Northwestern [1] -
45:24
note [3] - 5:16, 55:17,
103:22
notes [3] - 50:3, 50:6,
118:12
nothing [4] - 4:21,
38:6, 99:4, 105:15
notice [1] - 3:24
noticed [2] - 112:1,
114:6
notified [3] - 41:6,
82:1, 90:7
notify [1] - 66:2
November [3] - 5:9,
5:12, 46:15
Number [4] - 36:20,
54:19, 78:9, 105:8
number [7] - 8:24,
53:15, 53:17,
103:16, 112:21,
113:22, 114:2
numbness [1] - 50:13

O

O'CONNELL [1] - 2:18
oath [4] - 25:20,
42:16, 73:5, 118:7
objection [13] - 27:6,
27:12, 27:15, 44:11,
44:17, 44:20, 74:14,
74:19, 74:22, 85:5,
86:9, 86:13, 86:16
objectives [1] - 92:8
obligations [1] - 9:22
obstructive [1] - 78:24
obtain [5] - 6:5, 7:12,
7:21, 68:4, 70:24
occasion [3] - 33:16,
49:10, 49:22
occasionally [1] -
56:18
Occupational [2] -
72:6, 75:2
October [4] - 5:12,
51:13, 75:16, 76:9
OF [5] - 1:3, 1:7, 1:10,
118:1, 118:2
offense [1] - 6:1
offer [1] - 101:17
office [2] - 3:22, 104:1
Office [2] - 44:3, 111:4

<p>officer [1] - 52:10 Officer [3] - 2:17, 29:4, 96:5 official [1] - 43:20 offline [3] - 91:2, 93:12, 94:14 OFl [4] - 44:3, 45:15, 45:16, 53:3 old [1] - 113:2 Old [2] - 117:12, 117:13 on-duty [2] - 51:1, 87:5 once [1] - 70:6 one [27] - 5:11, 6:20, 23:19, 24:10, 24:17, 28:13, 29:14, 30:9, 33:4, 34:15, 35:4, 41:15, 48:8, 48:10, 48:12, 53:16, 59:16, 63:3, 69:3, 72:3, 85:16, 91:24, 92:19, 98:23, 99:20, 104:9, 108:22 ones [1] - 59:16 ongoing [2] - 5:19, 109:2 onset [1] - 55:20 Open [4] - 4:1, 98:11, 100:10, 112:8 open [9] - 4:8, 11:7, 11:13, 11:15, 62:18, 62:23, 63:2, 65:7, 105:16 Operating [2] - 21:15, 105:10 opportunity [7] - 26:1, 42:21, 70:1, 73:10, 82:17, 83:21, 98:8 option [2] - 28:23, 46:10 options [1] - 34:13 order [17] - 4:16, 20:16, 20:19, 21:14, 21:20, 24:6, 25:3, 25:13, 41:23, 42:9, 53:4, 62:4, 69:19, 72:14, 72:23, 104:13, 115:19 ordered [2] - 29:8, 45:13 Orders [1] - 20:15 ordinary [1] - 105:16 origin [1] - 50:6 outside [3] - 8:18, 45:14, 45:15 outstanding [3] - 23:22, 35:13, 106:18 overall [4] - 47:17, 112:12, 113:23,</p>	<p>115:22 overtime [1] - 52:15 own [1] - 112:21 oxygen [5] - 75:7, 75:9, 79:2</p> <p style="text-align: center;">P</p> <p>packet [2] - 59:13, 105:18 PAGE [1] - 118:2 pages [2] - 59:13, 59:14 paid [3] - 22:14, 103:5, 106:9 pain [22] - 5:19, 29:12, 29:13, 37:12, 45:20, 45:22, 46:20, 49:7, 49:11, 50:19, 50:22, 51:2, 51:4, 51:9, 55:20, 56:16, 56:18, 56:23, 57:1, 57:8 pain-free [1] - 56:23 painful [1] - 29:22 pandemic [2] - 36:23, 78:12 paperwork [3] - 17:20, 20:18, 22:4 parking [1] - 45:17 part [3] - 57:12, 97:11, 114:8 partial [3] - 29:17, 29:21, 31:2 Partial [2] - 16:14, 16:16 participants [1] - 96:20 particular [2] - 30:10, 69:10 partner [1] - 49:24 Partners [1] - 105:3 parts [1] - 30:19 pass [1] - 91:10 passed [5] - 87:14, 88:13, 98:19, 99:4, 99:10 passes [1] - 93:15 past [2] - 98:9, 99:16 Pat [7] - 8:19, 9:17, 10:6, 21:16, 62:11, 63:10, 94:18 PATRICIA [1] - 2:13 Patricia [1] - 6:20 payment [1] - 23:20 Payments [2] - 16:15, 16:16 payments [3] - 22:7, 22:8, 103:9 Pelt's [1] - 99:1 Pension [17] - 7:3,</p>	<p>9:21, 24:18, 25:1, 41:16, 41:23, 72:3, 72:13, 85:16, 85:24, 98:21, 99:3, 99:18, 99:24, 109:3, 109:21, 111:3 pension [1] - 5:23 Pensions [1] - 99:12 people [6] - 34:6, 35:3, 61:6, 103:17, 113:22, 117:2 per [3] - 41:22, 112:13, 112:14 percent [2] - 55:23, 99:19 perform [7] - 31:24, 35:10, 36:9, 37:18, 54:8, 77:22, 79:6 performance [3] - 92:8, 92:11, 95:4 performed [1] - 35:12 performing [1] - 57:21 perhaps [1] - 24:23 period [5] - 93:17, 94:19, 94:21, 110:21, 112:12 permit [1] - 18:19 person [3] - 64:17, 104:1, 112:14 perspective [2] - 8:15, 112:8 pertaining [1] - 9:5 pertinent [1] - 98:12 Peters [4] - 73:6, 73:13, 73:15, 77:8 PETERS [1] - 77:10 peters [1] - 77:16 PHELPS [4] - 98:6, 98:15, 100:22, 101:9 Phelps [2] - 98:16, 98:17 Phillips [5] - 108:23, 108:24, 109:5, 109:12, 109:19 PHILLIPS [5] - 5:1, 5:5, 7:7, 7:20, 8:6 Phillips [6] - 5:1, 5:4, 6:19, 8:16, 9:3, 10:16 phone [3] - 5:8, 5:23, 104:16 physical [9] - 31:8, 31:10, 46:4, 46:5, 47:4, 47:5, 47:10, 55:22, 56:13 physically [1] - 3:21 physician [5] - 36:7, 49:7, 54:6, 73:7, 77:17 Physician [3] - 2:19,</p>	<p>90:12, 90:15 Physician's [1] - 104:21 pick [1] - 45:19 picked [2] - 99:11, 99:17 PINELLI [78] - 2:13, 2:14, 24:12, 25:6, 25:11, 25:18, 26:4, 26:11, 27:10, 27:16, 27:19, 32:3, 32:10, 32:15, 32:22, 35:14, 35:19, 36:4, 37:21, 38:2, 38:8, 41:11, 42:2, 42:7, 42:14, 42:24, 43:8, 44:15, 44:21, 45:1, 49:14, 53:9, 53:18, 54:3, 58:2, 58:7, 64:10, 64:14, 65:4, 65:22, 66:20, 68:19, 68:22, 70:17, 71:4, 71:7, 71:11, 71:17, 71:23, 72:2, 72:10, 72:17, 72:21, 73:3, 73:12, 73:15, 73:22, 74:17, 75:1, 77:1, 77:7, 77:14, 79:9, 84:23, 85:8, 85:14, 85:20, 86:3, 86:8, 86:12, 86:17, 86:22, 87:1, 87:10, 87:18, 87:22, 88:2, 88:8 place [2] - 62:14, 115:16 plain [1] - 34:20 plan [3] - 101:17, 102:2, 102:15 planned [1] - 106:12 plans [1] - 57:9 point [9] - 21:13, 22:3, 34:22, 50:18, 67:2, 88:3, 95:1, 103:23, 107:19 police [1] - 103:5 policies [2] - 112:1, 113:5 Policy [2] - 92:10, 114:9 policy [9] - 40:8, 80:7, 112:2, 112:6, 112:10, 112:18, 112:20, 114:24, 115:6 Policy" [1] - 113:13 porch [7] - 28:17, 28:21, 28:23, 29:1, 30:14, 34:16, 34:21 position [1] - 96:12 positions [1] - 96:17</p>	<p>possible [2] - 95:16, 108:21 possibly [2] - 6:24, 66:14 post [3] - 96:23, 97:1, 97:6 posted [1] - 3:24 potentially [1] - 102:12 pounds [1] - 46:19 poverty [1] - 99:19 preference [1] - 35:21 preliminary [3] - 24:20, 41:17, 72:8 prepare [2] - 82:18, 83:22 prepared [2] - 4:3, 61:9 prerogative [1] - 115:18 prescribed [1] - 49:7 prescription [2] - 49:9, 49:13 presence [1] - 66:4 present [20] - 3:21, 25:12, 38:4, 38:7, 42:8, 58:8, 59:1, 62:15, 62:19, 65:7, 65:24, 67:1, 69:17, 70:1, 71:10, 71:12, 71:15, 72:22, 95:2, 108:19 PRESENT [1] - 2:15 presented [8] - 88:10, 88:18, 88:21, 89:12, 94:4, 106:24, 108:3, 112:6 president [3] - 58:11, 66:21, 97:18 President [19] - 2:3, 10:23, 11:3, 23:1, 24:9, 58:23, 66:11, 71:20, 82:6, 83:15, 84:19, 90:11, 103:20, 107:15, 107:24, 108:17, 109:22, 111:9, 112:15 press [6] - 4:15, 4:16, 4:17, 4:23, 53:13, 85:11 pretty [2] - 105:21, 106:14 prevail [1] - 113:6 prevailing [1] - 115:14 prevent [1] - 57:21 previously [6] - 26:21, 35:23, 39:6, 53:22, 77:9, 80:22 primary [1] - 100:8</p>
---	--	--	--	---

<p>Private [6] - 92:1, 92:13, 92:24, 93:20, 94:18, 105:2</p> <p>proactively [1] - 102:13</p> <p>problem [2] - 37:10, 57:16</p> <p>problems [3] - 30:21, 55:9, 76:3</p> <p>procedurally [3] - 60:21, 61:12, 61:13</p> <p>procedure [4] - 36:16, 48:18, 54:15, 78:5</p> <p>procedures [5] - 25:19, 26:2, 42:14, 42:22, 73:3</p> <p>proceed [9] - 25:8, 42:5, 43:1, 53:19, 72:19, 73:13, 84:22, 85:18, 103:10</p> <p>proceeded [2] - 28:8, 29:2</p> <p>proceeding [2] - 4:2, 65:3</p> <p>proceedings [2] - 118:10, 118:13</p> <p>PROCEEDINGS [2] - 1:10, 117:21</p> <p>proceeds [1] - 102:9</p> <p>process [5] - 8:9, 20:19, 45:18, 47:8, 114:11</p> <p>program [1] - 57:8</p> <p>Programmer [1] - 101:13</p> <p>progressed [1] - 46:12</p> <p>progressing [2] - 46:5, 47:11</p> <p>progressively [2] - 6:8, 29:12</p> <p>project [1] - 102:9</p> <p>promoted [1] - 76:12</p> <p>proof [8] - 25:12, 25:15, 42:8, 42:12, 65:24, 69:15, 72:22, 73:1</p> <p>properly [3] - 10:2, 28:10, 62:4</p> <p>proposals [1] - 102:3</p> <p>proposed [5] - 39:7, 80:23, 82:20, 113:7, 114:20</p> <p>prove [1] - 109:4</p> <p>provide [4] - 7:4, 55:1, 109:3, 109:10</p> <p>provided [9] - 26:20, 27:1, 37:2, 44:5, 78:14, 82:19, 92:10, 108:23, 115:23</p> <p>providing [1] - 114:11</p>	<p>prudent [3] - 22:17, 96:3, 96:17</p> <p>PT [2] - 55:18, 57:6</p> <p>Public [5] - 3:16, 3:20, 4:5, 10:21, 114:9</p> <p>public [20] - 4:8, 4:9, 4:11, 4:14, 6:22, 8:1, 50:1, 95:21, 97:11, 108:23, 112:13, 113:4, 114:16, 114:24, 115:4, 115:5, 115:9, 115:11, 115:23, 115:24</p> <p>publicly [1] - 114:5</p> <p>pulmonary [5] - 75:6, 75:8, 76:22, 78:22, 79:3</p> <p>purchases [1] - 96:16</p> <p>purposes [2] - 25:9, 42:5</p> <p>pursuant [5] - 67:4, 85:23, 87:4, 87:14, 88:20</p> <p>pushing [1] - 103:20</p> <p>put [8] - 8:16, 56:12, 65:11, 71:13, 96:6, 99:20, 102:9, 115:3</p>	<p style="text-align: center;">R</p> <p>radiates [1] - 56:19</p> <p>radiculopathy [1] - 56:21</p> <p>raise [4] - 26:5, 32:16, 43:2, 73:16</p> <p>raised [1] - 10:18</p> <p>raises [1] - 99:18</p> <p>range [2] - 29:16, 102:3</p> <p>rank [7] - 26:14, 32:23, 33:13, 43:12, 43:20, 43:22, 74:1</p> <p>rather [3] - 103:14, 114:3, 115:15</p> <p>rays [1] - 29:12</p> <p>reach [6] - 66:14, 66:15, 70:23, 70:24, 71:14, 102:22</p> <p>ready [4] - 4:17, 43:1, 73:12, 85:17</p> <p>real [2] - 66:12, 116:7</p> <p>reality [1] - 109:12</p> <p>really [8] - 8:17, 50:14, 51:3, 52:17, 52:19, 52:20, 100:9, 116:12</p> <p>rear [2] - 50:11, 51:3</p> <p>rear-end [1] - 51:3</p> <p>reason [8] - 7:2, 22:9, 22:19, 22:21, 70:4, 97:21, 112:22, 112:23</p> <p>reasonable [2] - 4:6, 109:14</p> <p>reasons [2] - 69:3, 103:6</p> <p>Recalculations [1] - 17:15</p> <p>receipt [2] - 69:4, 83:20</p> <p>receipts [5] - 105:20, 105:22, 106:6, 106:13, 106:16</p> <p>receive [9] - 22:22, 25:3, 26:22, 41:23, 44:7, 72:14, 74:10, 86:4, 103:9</p> <p>received [17] - 5:8, 5:9, 5:10, 5:12, 17:21, 20:19, 21:24, 46:7, 50:24, 59:13, 74:8, 78:15, 103:8, 105:21, 106:5, 110:20, 110:23</p> <p>receives [1] - 22:8</p> <p>recently [1] - 111:24</p> <p>recess [2] - 95:10, 95:12</p> <p>Recipients [2] - 90:13,</p>	<p>104:22</p> <p>recitation [1] - 76:6</p> <p>recommendation [8] - 7:10, 47:3, 67:24, 92:1, 92:22, 92:23, 93:24, 94:2</p> <p>recommended [2] - 29:19, 30:3</p> <p>recommending [2] - 92:12, 92:13</p> <p>record [38] - 3:21, 10:24, 24:12, 24:19, 27:7, 28:2, 41:11, 43:10, 44:12, 48:2, 51:18, 61:2, 61:3, 62:8, 62:10, 62:18, 62:23, 63:1, 63:9, 63:11, 63:12, 65:6, 66:13, 67:20, 72:4, 72:5, 74:15, 85:15, 85:21, 86:9, 86:13, 87:16, 87:18, 95:7, 97:9, 97:11, 104:14, 105:7</p> <p>recorded [1] - 4:2</p> <p>records [15] - 7:16, 36:13, 37:3, 37:8, 37:9, 54:12, 55:3, 55:6, 69:11, 70:8, 78:2, 78:16, 78:19, 86:18, 87:1</p> <p>rectum [1] - 50:20</p> <p>recuse [1] - 8:8</p> <p>red [1] - 113:1</p> <p>reduced [1] - 29:16</p> <p>reduces [1] - 114:14</p> <p>reducing [1] - 116:13</p> <p>reexam [4] - 40:7, 40:10, 80:7, 80:10</p> <p>reexamined [1] - 7:4</p> <p>referred [2] - 56:1, 57:20</p> <p>reflect [8] - 10:24, 24:12, 41:11, 60:15, 72:5, 85:21, 97:10, 105:8</p> <p>reflected [1] - 48:5</p> <p>Refund [1] - 14:20</p> <p>Refunds [2] - 14:15, 14:17</p> <p>refute [1] - 51:19</p> <p>Regan [18] - 84:21, 84:24, 85:9, 85:11, 85:13, 85:14, 85:24, 86:1, 86:19, 86:20, 87:3, 87:14, 87:16, 88:3, 88:13, 88:21, 90:3</p> <p>REGAN [12] - 85:13, 85:19, 86:2, 86:6,</p>	<p>86:11, 86:21, 86:24, 87:9, 87:17, 87:21, 88:1, 90:10</p> <p>regarding [9] - 21:17, 54:21, 78:20, 93:20, 95:13, 95:17, 95:22, 108:21, 109:21</p> <p>regular [7] - 4:7, 21:20, 24:6, 47:5, 47:9, 56:13, 104:13</p> <p>Regular [2] - 11:6, 11:9</p> <p>rehab [3] - 29:21, 75:8, 76:23</p> <p>rehabilitate [1] - 48:8</p> <p>rehabilitation [3] - 31:9, 79:3, 79:4</p> <p>reiterate [1] - 96:11</p> <p>rejoin [1] - 97:22</p> <p>related [1] - 108:2</p> <p>relates [2] - 69:4, 110:14</p> <p>relative [1] - 4:10</p> <p>relaxers [1] - 46:1</p> <p>released [1] - 48:16</p> <p>Relief [1] - 76:13</p> <p>remainder [1] - 94:17</p> <p>remember [3] - 52:12, 98:24, 116:18</p> <p>remind [2] - 9:18, 10:4</p> <p>reminded [1] - 96:18</p> <p>removals [1] - 19:17</p> <p>Removals [2] - 19:18, 19:22</p> <p>removed [1] - 43:15</p> <p>render [1] - 70:9</p> <p>rendered [1] - 87:7</p> <p>reoccurred [1] - 56:10</p> <p>repeat [1] - 85:21</p> <p>replacement [2] - 29:18, 31:2</p> <p>REPORT [1] - 1:10</p> <p>Report [3] - 91:21, 92:7, 104:9</p> <p>report [12] - 36:14, 36:19, 54:12, 54:18, 78:2, 78:8, 94:23, 96:13, 100:13, 101:10, 111:3, 111:7</p> <p>reported [2] - 47:21, 118:9</p> <p>Reporter [1] - 118:7</p> <p>reporter [1] - 118:7</p> <p>reports [2] - 94:24, 95:2</p> <p>represent [8] - 9:14, 9:16, 9:19, 9:20, 42:4, 99:3, 99:23, 100:17</p> <p>representative [2] -</p>
	<p style="text-align: center;">Q</p> <p>QILDRO [1] - 20:16</p> <p>qualifications [1] - 77:19</p> <p>questioned [1] - 29:3</p> <p>questions [36] - 25:20, 25:21, 32:4, 32:6, 32:7, 33:5, 35:15, 35:17, 37:22, 37:24, 42:15, 42:17, 49:15, 49:17, 53:7, 58:3, 58:5, 73:4, 73:6, 77:2, 77:4, 77:5, 79:10, 79:12, 79:13, 88:5, 88:6, 95:3, 95:5, 100:16, 105:16, 106:17, 106:20, 106:21, 112:9, 115:1</p> <p>quick [2] - 66:12, 116:7</p> <p>quickly [1] - 114:17</p> <p>quiet [2] - 93:17, 94:19</p> <p>quite [2] - 43:15, 94:21</p> <p>quorum [6] - 3:13, 3:15, 10:14, 97:5, 97:17, 104:5</p> <p>quote [1] - 56:17</p>			
<p>—DEBBIE TYRRELL REPORTING SERVICE— (630) 292-1742</p>				

<p>99:5, 99:17 Representative [1] - 99:11 representing [1] - 25:7 Request [1] - 107:16 request [8] - 4:9, 18:19, 61:1, 64:15, 92:3, 109:17, 114:18, 115:2 requested [7] - 38:10, 41:5, 58:12, 81:24, 90:6, 107:20, 107:21 requests [2] - 4:11, 109:5 required [6] - 7:2, 17:20, 20:18, 79:2, 79:4, 113:19 requirement [1] - 109:2 requirements [1] - 88:10 requires [4] - 3:18, 25:2, 72:13, 78:24 RESHMA [1] - 2:10 Reshma [1] - 24:2 Reside [2] - 18:18, 18:20 resolved [3] - 29:15, 37:14, 102:23 resolves [1] - 57:1 respect [11] - 8:20, 30:10, 54:16, 55:6, 68:23, 69:11, 69:12, 69:24, 70:2, 78:6, 114:23 respected [1] - 8:10 responding [1] - 28:5 response [1] - 103:1 responsibilities [1] - 8:21 rest [2] - 10:22, 29:9 restraints [1] - 54:23 restrict [1] - 114:24 restriction [2] - 115:10, 115:15 restrictions [1] - 78:12 restrictive [1] - 115:4 restricts [1] - 114:15 result [6] - 87:7, 87:10, 87:19, 110:18, 110:23, 115:5 RETIREMENT [1] - 1:2 Retirement [1] - 113:13 retro [1] - 103:4 retros [1] - 103:11 return [3] - 47:20, 48:10, 48:13</p>	<p>returned [3] - 55:24, 87:22, 88:15 review [20] - 27:4, 36:12, 37:8, 39:9, 44:9, 45:10, 54:11, 59:17, 59:18, 61:2, 61:9, 62:4, 62:5, 62:10, 74:12, 78:1, 81:1, 82:22, 84:2, 102:11 Review [1] - 104:21 reviewed [4] - 37:4, 55:3, 78:16, 92:7 reviewing [1] - 112:1 Reviews [2] - 90:12, 90:15 revisit [1] - 62:24 RFP [6] - 92:1, 92:13, 92:24, 94:18, 94:20, 105:2 right-hand [1] - 106:8 roadblock [1] - 100:12 Rob [3] - 8:1, 59:11, 63:5 rob [1] - 10:14 ROBERT [1] - 2:5 roll [4] - 3:3, 3:18, 59:6, 60:11 Ronald [2] - 84:21, 86:19 roof [11] - 28:7, 28:8, 28:9, 28:22, 29:1, 34:7, 34:12, 34:13, 34:15 rooftop [2] - 30:12, 30:13 room [2] - 50:6, 50:7 Rose [3] - 66:22, 68:3, 68:19 ROSE [5] - 68:21, 70:15, 71:2, 71:6, 71:18 roster [2] - 65:19, 107:20 route [1] - 47:14 rumor [1] - 100:6 Russia [2] - 96:11, 96:16 Russian [1] - 92:5 Ryan [1] - 55:18</p>	<p>save [1] - 34:20 saw [8] - 28:17, 29:6, 55:22, 57:7, 57:11, 62:14, 66:17 scare [1] - 5:20 scene [2] - 28:7, 33:19 schedule [3] - 97:20, 103:23, 104:2 scheduled [1] - 31:12 school [1] - 50:2 sciatic [1] - 56:20 SCOTT [6] - 2:17, 91:15, 91:20, 94:17, 96:10, 101:10 screen [2] - 22:20, 113:16 Sean [1] - 49:24 search [1] - 93:20 Second [17] - 11:19, 12:19, 13:19, 14:18, 17:22, 18:21, 19:20, 23:5, 40:9, 58:14, 67:5, 68:6, 76:13, 89:14, 93:2, 108:4, 111:10 second [35] - 15:18, 16:18, 20:20, 28:19, 34:5, 34:8, 34:10, 38:12, 39:12, 59:8, 60:1, 60:4, 60:17, 61:22, 63:2, 63:3, 63:16, 79:16, 79:18, 80:8, 81:5, 83:2, 83:15, 84:6, 88:22, 90:16, 93:21, 99:8, 107:2, 110:1, 115:7, 116:6, 116:17, 116:18, 116:19 Seconded [1] - 80:10 seconded [31] - 11:21, 12:21, 13:21, 14:20, 15:20, 16:20, 17:24, 18:23, 19:22, 20:22, 23:7, 38:14, 39:14, 40:11, 58:16, 61:4, 63:19, 67:6, 68:8, 81:8, 83:4, 84:8, 88:24, 90:18, 93:4, 94:6, 107:4, 108:6, 110:2, 111:12, 116:21 secondly [1] - 25:6 Secretary [4] - 2:6, 3:3, 3:22, 24:7 Section [5] - 67:4, 85:23, 88:11, 88:20, 111:2 section [1] - 21:16 secure [1] - 66:3 see [19] - 22:20, 25:6,</p>	<p>28:16, 28:20, 33:23, 42:2, 50:6, 51:20, 65:19, 72:17, 101:9, 105:14, 105:15, 105:19, 106:8, 112:18, 113:2, 114:9, 115:21 seeing [1] - 98:11 seeking [6] - 21:22, 25:14, 42:11, 66:7, 69:8, 75:2 seeks [1] - 72:24 seem [3] - 6:1, 109:14, 113:5 Senate [12] - 98:19, 98:24, 99:4, 99:8, 99:9, 99:10, 99:15, 99:16, 99:24, 100:2, 100:19, 101:1 Senator [3] - 99:1, 99:15, 100:10 send [1] - 100:13 sending [1] - 6:9 sent [6] - 34:23, 35:2, 39:7, 55:21, 80:23, 86:6 September [2] - 49:24, 51:16 series [1] - 48:3 served [1] - 10:2 service [3] - 75:14, 75:18, 75:22 session [5] - 11:17, 68:1, 100:6, 101:23, 102:5 Session [6] - 9:2, 66:24, 67:4, 67:18, 67:20, 67:22 sessions [1] - 98:9 set [1] - 6:10 setback [1] - 46:6 setbacks [1] - 47:11 seven [5] - 24:23, 35:3, 41:19, 75:18, 76:11 several [6] - 4:13, 56:5, 58:24, 66:12, 66:16, 69:3 severe [1] - 78:24 shared [1] - 83:23 SHERIDAN [36] - 2:11, 3:7, 12:1, 13:1, 14:1, 15:1, 15:24, 16:18, 16:24, 18:4, 19:3, 20:3, 21:2, 23:12, 38:19, 39:19, 40:15, 61:16, 63:23, 67:11, 68:12, 79:23, 80:15, 81:12, 83:8, 84:12, 89:4, 89:20, 90:22,</p>	<p>93:8, 94:10, 107:8, 108:10, 110:7, 111:16, 117:1 Sheridan [35] - 3:6, 11:24, 12:24, 13:24, 14:24, 15:23, 16:20, 16:23, 18:3, 19:2, 20:2, 21:1, 23:11, 38:18, 39:18, 40:14, 61:15, 63:22, 67:10, 68:11, 79:22, 80:14, 81:11, 83:7, 84:11, 89:3, 89:19, 90:21, 93:7, 94:9, 107:7, 108:9, 110:6, 111:15, 116:24 shift [2] - 52:16, 52:18 shifts [1] - 52:21 Shirley [1] - 55:18 shopping [1] - 76:23 short [1] - 62:5 Shorthand [1] - 118:6 shorthand [2] - 118:9, 118:12 shortly [1] - 102:18 shot [2] - 46:2, 46:10 shoulder [2] - 69:9, 71:3 shovel [1] - 45:14 shoveling [6] - 45:15, 47:23, 52:13, 55:20, 57:13, 57:14 showed [2] - 55:6, 56:7 showing [1] - 112:4 SI [3] - 50:24, 51:5, 51:7 side [4] - 23:19, 34:14, 34:15, 106:8 signed [1] - 112:7 significant [1] - 113:22 simplest [1] - 103:7 sit [1] - 103:2 site [1] - 114:7 sitting [1] - 56:24 situation [1] - 6:3 six [3] - 4:17, 53:13, 85:11 size [1] - 56:7 slipped [1] - 49:19 slow [1] - 47:14 slowly [2] - 46:12, 47:10 small [1] - 96:12 smart [1] - 51:9 snow [7] - 28:23, 45:14, 45:16, 45:19, 52:13, 55:20, 57:14 solid [1] - 102:3</p>
S				
<p>salaries [1] - 103:15 SAMO [4] - 2:19, 35:24, 53:23, 73:14 Samo [5] - 26:5, 35:22, 36:6, 43:2, 54:5 Sampson [1] - 19:19</p>	<p>save [1] - 34:20 saw [8] - 28:17, 29:6, 55:22, 57:7, 57:11, 62:14, 66:17 scare [1] - 5:20 scene [2] - 28:7, 33:19 schedule [3] - 97:20, 103:23, 104:2 scheduled [1] - 31:12 school [1] - 50:2 sciatic [1] - 56:20 SCOTT [6] - 2:17, 91:15, 91:20, 94:17, 96:10, 101:10 screen [2] - 22:20, 113:16 Sean [1] - 49:24 search [1] - 93:20 Second [17] - 11:19, 12:19, 13:19, 14:18, 17:22, 18:21, 19:20, 23:5, 40:9, 58:14, 67:5, 68:6, 76:13, 89:14, 93:2, 108:4, 111:10 second [35] - 15:18, 16:18, 20:20, 28:19, 34:5, 34:8, 34:10, 38:12, 39:12, 59:8, 60:1, 60:4, 60:17, 61:22, 63:2, 63:3, 63:16, 79:16, 79:18, 80:8, 81:5, 83:2, 83:15, 84:6, 88:22, 90:16, 93:21, 99:8, 107:2, 110:1, 115:7, 116:6, 116:17, 116:18, 116:19 Seconded [1] - 80:10 seconded [31] - 11:21, 12:21, 13:21, 14:20, 15:20, 16:20, 17:24, 18:23, 19:22, 20:22, 23:7, 38:14, 39:14, 40:11, 58:16, 61:4, 63:19, 67:6, 68:8, 81:8, 83:4, 84:8, 88:24, 90:18, 93:4, 94:6, 107:4, 108:6, 110:2, 111:12, 116:21 secondly [1] - 25:6 Secretary [4] - 2:6, 3:3, 3:22, 24:7 Section [5] - 67:4, 85:23, 88:11, 88:20, 111:2 section [1] - 21:16 secure [1] - 66:3 see [19] - 22:20, 25:6,</p>	<p>28:16, 28:20, 33:23, 42:2, 50:6, 51:20, 65:19, 72:17, 101:9, 105:14, 105:15, 105:19, 106:8, 112:18, 113:2, 114:9, 115:21 seeing [1] - 98:11 seeking [6] - 21:22, 25:14, 42:11, 66:7, 69:8, 75:2 seeks [1] - 72:24 seem [3] - 6:1, 109:14, 113:5 Senate [12] - 98:19, 98:24, 99:4, 99:8, 99:9, 99:10, 99:15, 99:16, 99:24, 100:2, 100:19, 101:1 Senator [3] - 99:1, 99:15, 100:10 send [1] - 100:13 sending [1] - 6:9 sent [6] - 34:23, 35:2, 39:7, 55:21, 80:23, 86:6 September [2] - 49:24, 51:16 series [1] - 48:3 served [1] - 10:2 service [3] - 75:14, 75:18, 75:22 session [5] - 11:17, 68:1, 100:6, 101:23, 102:5 Session [6] - 9:2, 66:24, 67:4, 67:18, 67:20, 67:22 sessions [1] - 98:9 set [1] - 6:10 setback [1] - 46:6 setbacks [1] - 47:11 seven [5] - 24:23, 35:3, 41:19, 75:18, 76:11 several [6] - 4:13, 56:5, 58:24, 66:12, 66:16, 69:3 severe [1] - 78:24 shared [1] - 83:23 SHERIDAN [36] - 2:11, 3:7, 12:1, 13:1, 14:1, 15:1, 15:24, 16:18, 16:24, 18:4, 19:3, 20:3, 21:2, 23:12, 38:19, 39:19, 40:15, 61:16, 63:23, 67:11, 68:12, 79:23, 80:15, 81:12, 83:8, 84:12, 89:4, 89:20, 90:22,</p>	<p>93:8, 94:10, 107:8, 108:10, 110:7, 111:16, 117:1 Sheridan [35] - 3:6, 11:24, 12:24, 13:24, 14:24, 15:23, 16:20, 16:23, 18:3, 19:2, 20:2, 21:1, 23:11, 38:18, 39:18, 40:14, 61:15, 63:22, 67:10, 68:11, 79:22, 80:14, 81:11, 83:7, 84:11, 89:3, 89:19, 90:21, 93:7, 94:9, 107:7, 108:9, 110:6, 111:15, 116:24 shift [2] - 52:16, 52:18 shifts [1] - 52:21 Shirley [1] - 55:18 shopping [1] - 76:23 short [1] - 62:5 Shorthand [1] - 118:6 shorthand [2] - 118:9, 118:12 shortly [1] - 102:18 shot [2] - 46:2, 46:10 shoulder [2] - 69:9, 71:3 shovel [1] - 45:14 shoveling [6] - 45:15, 47:23, 52:13, 55:20, 57:13, 57:14 showed [2] - 55:6, 56:7 showing [1] - 112:4 SI [3] - 50:24, 51:5, 51:7 side [4] - 23:19, 34:14, 34:15, 106:8 signed [1] - 112:7 significant [1] - 113:22 simplest [1] - 103:7 sit [1] - 103:2 site [1] - 114:7 sitting [1] - 56:24 situation [1] - 6:3 six [3] - 4:17, 53:13, 85:11 size [1] - 56:7 slipped [1] - 49:19 slow [1] - 47:14 slowly [2] - 46:12, 47:10 small [1] - 96:12 smart [1] - 51:9 snow [7] - 28:23, 45:14, 45:16, 45:19, 52:13, 55:20, 57:14 solid [1] - 102:3</p>	

<p>someone [1] - 62:15 sometime [1] - 102:21 sometimes [1] - 29:23 Soni [21] - 10:10, 11:1, 12:5, 12:21, 13:5, 14:5, 15:5, 16:4, 17:4, 18:8, 18:23, 19:7, 20:4, 21:3, 23:17, 38:20, 39:20, 40:11, 40:16, 58:20, 63:24 SONI [23] - 2:10, 10:10, 12:6, 12:19, 13:6, 14:6, 15:6, 16:5, 17:5, 18:9, 18:21, 19:8, 20:5, 21:4, 23:18, 23:23, 24:3, 38:21, 39:21, 40:9, 40:17, 58:21, 64:1 soon [1] - 100:13 sorry [3] - 26:24, 30:5, 60:13 sort [2] - 45:20, 47:13 sounds [1] - 30:11 South [1] - 1:12 spasm [1] - 47:15 speaking [1] - 117:2 Special [1] - 29:4 specific [1] - 114:23 speculation [1] - 29:7 spent [1] - 112:13 spoken [1] - 7:24 sporting [3] - 31:19, 49:3, 76:20 spread [1] - 95:6 Squad [2] - 24:11, 26:19 Square [2] - 92:15, 94:3 Square's [1] - 92:3 SS [1] - 118:1 staff [17] - 7:14, 8:12, 10:3, 64:18, 64:19, 65:13, 65:22, 66:2, 66:14, 68:4, 70:10, 70:24, 71:13, 97:1, 108:24, 109:12, 109:19 Staff [1] - 93:18 staff's [2] - 17:19, 20:17 star [6] - 4:15, 4:16, 4:17, 4:24, 53:13, 85:11 start [9] - 24:21, 25:19, 41:17, 42:15, 47:12, 70:6, 72:8, 73:4, 101:21 started [5] - 37:11,</p>	<p>37:12, 46:12, 46:15, 47:3 starting [7] - 12:17, 13:17, 19:18, 46:20, 51:5, 101:18, 105:20 state [6] - 26:12, 36:5, 43:9, 54:4, 73:23, 77:15 STATE [1] - 118:1 State [8] - 1:13, 18:19, 18:20, 22:4, 22:12, 102:19, 113:5, 118:8 State's [2] - 111:4, 111:7 statement [5] - 28:2, 45:8, 95:21, 96:6, 96:24 Statement [2] - 92:9, 102:18 Statements [1] - 102:21 statements [1] - 91:18 status [1] - 66:23 stay [2] - 35:21, 49:12 STENOGRAPHIC [1] - 1:10 step [3] - 8:18, 21:14, 97:24 stepped [1] - 97:5 stepping [1] - 50:8 steps [3] - 66:3, 70:11, 70:12 steroid [1] - 51:7 Steve [2] - 34:15, 34:19 STEVEN [1] - 26:7 Steven [3] - 24:10, 24:14, 26:13 still [12] - 29:16, 29:17, 43:21, 47:15, 57:2, 57:6, 65:6, 98:1, 100:2, 106:4, 109:4, 115:16 strategic [2] - 101:22, 102:2 Street [1] - 1:12 stretch [1] - 100:5 stretches [1] - 51:4 stretching [3] - 49:12, 51:1, 57:2 strongly [1] - 105:21 structure [1] - 113:23 stuff [1] - 100:7 stung [1] - 50:12 subjective [1] - 57:23 submit [2] - 70:16, 70:18 submitted [1] - 88:8 subpoena [2] - 64:19, 65:20</p>	<p>subpoenaed [1] - 65:17 subpoenas [1] - 64:20 substantive [1] - 112:5 suffers [1] - 78:22 sufficient [6] - 25:12, 38:5, 42:9, 65:24, 69:17, 72:22 suggest [2] - 64:18, 65:22 suggested [1] - 47:6 suggesting [1] - 112:5 Suite [1] - 1:12 sum [1] - 114:13 summarize [2] - 37:6, 55:5 summary [2] - 45:11, 47:19 super [1] - 50:14 supplement [1] - 79:2 supplemental [1] - 79:1 support [6] - 27:7, 44:12, 82:19, 83:23, 96:22, 117:3 supposedly [1] - 5:11 surgeon [1] - 48:16 surgery [3] - 29:19, 29:20, 48:15 surgical [1] - 57:10 suspend [1] - 6:24 suspended [2] - 5:7, 109:1 sustained [3] - 27:22, 45:4, 69:9 sworn [15] - 26:6, 26:8, 28:2, 32:17, 32:19, 35:23, 36:1, 43:3, 43:5, 53:22, 53:24, 73:17, 73:19, 77:9, 77:11 symptoms [7] - 37:16, 37:17, 56:10, 56:15, 56:24, 57:3, 57:20</p>	<p>40:20, 59:4, 60:19, 61:23, 62:8, 63:14, 63:19, 64:4, 66:6, 67:14, 68:15, 80:2, 80:11, 80:18, 81:8, 81:15, 83:11, 84:8, 84:15, 88:24, 89:7, 89:23, 91:1, 91:2, 93:11, 93:12, 94:13, 94:14, 97:5, 97:17, 97:22, 101:19, 104:12, 104:24, 107:11, 108:13, 110:3, 110:10, 111:19, 113:8, 116:21, 117:7 TEBBENS [66] - 2:5, 3:9, 7:22, 8:3, 8:19, 9:14, 9:24, 12:10, 13:10, 14:10, 15:10, 15:18, 16:9, 17:9, 18:13, 19:12, 20:9, 20:20, 21:8, 23:16, 39:1, 39:12, 40:1, 40:21, 59:5, 59:9, 59:12, 60:12, 60:21, 61:11, 62:3, 63:3, 63:6, 63:15, 64:5, 66:5, 66:10, 67:15, 68:16, 80:3, 80:8, 80:19, 81:5, 81:16, 83:12, 84:6, 84:16, 88:22, 89:8, 89:24, 105:6, 107:12, 108:14, 110:1, 110:11, 111:20, 112:17, 112:22, 113:9, 113:14, 113:18, 114:13, 114:22, 116:3, 116:19, 117:8 technically [1] - 97:4 telephone [1] - 78:13 telephonic [1] - 37:1 telephonically [1] - 54:24 ten [6] - 55:16, 57:5, 98:21, 99:7, 115:24, 117:2 terminate [1] - 83:19 territory [1] - 30:8 Test [1] - 30:2 testified [7] - 26:9, 32:20, 36:2, 43:6, 54:1, 73:20, 77:12 testify [6] - 25:22, 42:18, 43:17, 53:20, 64:21, 73:7 testimony [2] - 82:13, 88:2</p>	<p>THE [5] - 1:2, 1:7, 2:12, 117:21, 117:22 therapist [1] - 47:4 therapy [8] - 31:9, 31:10, 46:4, 46:5, 47:5, 47:10, 55:22, 56:13 therefore [2] - 69:21, 75:17 thigh [1] - 56:19 thinking [1] - 100:11 third [1] - 46:10 THIS [1] - 117:23 Thomas [2] - 19:19, 32:12 THOMAS [1] - 32:18 threatening [3] - 5:24, 6:6, 6:9 three [14] - 34:7, 55:17, 56:3, 57:4, 92:4, 98:19, 100:5, 112:14, 115:13, 115:14, 115:16, 116:14, 117:2, 117:3 throughout [1] - 48:4 throw [2] - 45:19, 100:21 Thursday/Friday [1] - 47:1 ties [1] - 102:12 tightness [1] - 47:16 TIME [1] - 117:23 timeframe [1] - 62:5 timely [3] - 22:11, 103:1, 115:20 tingling [1] - 50:13 today [9] - 6:24, 28:3, 43:17, 62:13, 70:6, 98:19, 99:15, 110:15, 115:21 today's [8] - 3:15, 7:17, 25:8, 26:22, 42:5, 74:10, 86:5, 117:16 tomorrow [4] - 98:21, 99:7, 99:13, 99:18 took [2] - 45:24, 69:1 totally [1] - 62:21 touch [2] - 10:17, 70:10 touched [2] - 30:24, 31:22 towards [1] - 106:8 track [2] - 6:2, 102:10 traction [1] - 100:20 traded [1] - 96:1 transcript [5] - 4:2, 11:14, 11:16, 61:9, 118:11 Transcript [2] - 11:9,</p>
T				
<p>table [2] - 61:3, 61:5 target [1] - 106:16 tax [5] - 105:19, 105:20, 105:22, 106:6, 106:13 Tebbens [62] - 3:8, 7:23, 8:7, 8:14, 12:9, 13:9, 14:9, 15:9, 15:20, 16:8, 17:8, 18:12, 19:11, 20:8, 20:22, 21:7, 23:15, 38:24, 39:15, 39:24,</p>				

<p>11:11 transferred [1] - 76:11 transparency [1] - 114:11 Travel [1] - 107:16 travel [3] - 107:20, 107:23, 108:2 Treasurer [4] - 2:8, 95:14, 99:1, 99:22 treated [2] - 56:2, 57:16 treatment [5] - 5:18, 29:14, 31:1, 34:23, 48:9 treasurements [1] - 57:9 tried [1] - 28:15 trilogy [1] - 75:7 tripped [2] - 50:8, 50:10 true [2] - 114:3, 118:11 trust [1] - 24:2 trustee [86] - 3:6, 8:17, 10:10, 11:22, 11:24, 12:5, 12:11, 12:22, 12:24, 13:5, 13:11, 13:22, 13:24, 14:5, 14:11, 14:24, 15:5, 15:11, 15:21, 15:23, 16:4, 16:10, 16:21, 16:23, 17:4, 17:10, 18:1, 18:3, 18:8, 18:14, 18:24, 19:2, 19:7, 19:13, 20:2, 20:4, 20:10, 20:23, 21:1, 21:3, 21:9, 23:11, 23:17, 38:18, 38:20, 39:2, 39:18, 39:20, 40:2, 40:12, 40:14, 40:16, 40:22, 58:20, 61:17, 63:20, 63:22, 63:24, 64:6, 67:10, 68:9, 68:11, 79:22, 80:14, 81:11, 83:5, 83:7, 84:9, 84:11, 89:3, 89:19, 90:19, 90:21, 93:7, 94:7, 94:9, 95:11, 107:5, 107:7, 108:7, 108:9, 110:6, 111:13, 111:15, 116:22, 116:24 Trustee [191] - 2:4, 2:5, 2:6, 2:7, 2:11, 3:4, 3:8, 3:10, 7:22, 8:7, 8:14, 11:1, 11:2, 11:21, 12:2, 12:7, 12:9, 12:21, 13:2, 13:7, 13:9, 13:21, 14:2, 14:7, 14:9,</p>	<p>14:20, 14:22, 15:2, 15:7, 15:9, 15:20, 16:1, 16:6, 16:8, 16:20, 17:1, 17:6, 17:8, 17:24, 18:5, 18:10, 18:12, 18:23, 19:4, 19:9, 19:11, 19:22, 19:24, 20:6, 20:8, 20:22, 21:5, 21:7, 23:7, 23:9, 23:13, 23:15, 23:24, 38:14, 38:16, 38:22, 38:24, 39:13, 39:15, 39:16, 39:22, 39:24, 40:11, 40:18, 40:20, 58:16, 58:18, 58:22, 59:4, 59:21, 59:22, 60:3, 60:6, 60:15, 60:16, 60:19, 60:22, 61:15, 61:23, 62:8, 63:14, 63:19, 64:2, 64:4, 66:6, 66:19, 67:6, 67:8, 67:12, 67:14, 68:8, 68:13, 68:15, 79:18, 79:19, 79:20, 79:24, 80:2, 80:10, 80:12, 80:16, 80:18, 81:7, 81:8, 81:9, 81:13, 81:15, 83:4, 83:9, 83:11, 84:8, 84:13, 84:15, 88:24, 89:1, 89:5, 89:7, 89:17, 89:21, 89:23, 90:18, 90:23, 91:1, 91:2, 91:11, 91:16, 92:18, 93:4, 93:5, 93:9, 93:11, 93:12, 94:6, 94:11, 94:13, 94:14, 97:5, 97:16, 97:22, 101:19, 104:12, 104:24, 107:4, 107:9, 107:11, 108:6, 108:11, 108:13, 110:2, 110:4, 110:8, 110:10, 111:12, 111:17, 111:19, 113:7, 116:5, 116:21, 117:4, 117:7 Trustee's [1] - 61:12 trustees [5] - 24:23, 67:1, 72:11, 72:14, 105:5 Trustees [28] - 3:2, 4:7, 21:22, 23:2, 25:3, 32:5, 35:16, 37:23, 41:3, 41:4, 41:20, 41:22, 49:16, 58:4, 65:5, 65:8, 77:3, 79:11, 81:22,</p>	<p>81:23, 88:4, 90:4, 90:5, 93:18, 98:12, 98:16, 107:18, 110:16 try [2] - 46:6, 49:12 trying [1] - 34:6 turn [4] - 11:4, 98:13, 105:9, 105:11 turned [1] - 45:19 turning [1] - 47:16 twice [1] - 47:10 twin [1] - 99:22 twisting [1] - 57:14 two [13] - 5:10, 17:17, 28:24, 46:7, 55:23, 55:24, 56:6, 57:4, 75:9, 82:8, 92:2, 102:2, 115:1 type [2] - 78:23, 102:14 TYRRELL [2] - 118:6, 118:17</p> <p style="text-align: center;">U</p> <p>Ukraine [2] - 96:22, 96:23 ultimately [4] - 4:3, 31:1, 57:16, 103:7 unanimously [1] - 101:16 Under [1] - 16:14 under [17] - 7:3, 9:22, 17:14, 18:18, 20:14, 22:6, 25:20, 42:15, 61:8, 62:9, 73:4, 94:21, 105:21, 109:6, 111:2, 113:9, 113:11 underneath [2] - 21:15, 112:21 understood [2] - 71:16, 116:16 unfortunately [2] - 35:2, 103:5 unknown [1] - 114:4 unless [1] - 112:9 unrelated [1] - 37:14 up [25] - 6:11, 8:3, 8:9, 9:2, 45:19, 45:20, 50:1, 50:2, 52:2, 55:12, 55:13, 55:15, 55:16, 57:4, 61:2, 62:20, 62:21, 75:9, 99:11, 99:17, 100:7, 113:16, 114:13, 115:24 update [3] - 92:10, 98:9, 108:18 updated [2] - 7:4,</p>	<p>109:3 ups [1] - 57:3 upset [1] - 5:22 uses [1] - 57:8</p> <p style="text-align: center;">V</p> <p>Valencia [20] - 11:2, 12:11, 13:11, 14:11, 15:11, 16:10, 17:10, 17:24, 18:14, 19:13, 20:10, 21:9, 23:24, 38:15, 39:2, 40:2, 40:22, 61:17, 63:19, 64:6 VALENCIA [21] - 2:9, 10:12, 12:12, 13:12, 14:12, 15:12, 16:11, 17:11, 17:22, 18:15, 19:14, 20:11, 21:10, 24:1, 38:12, 39:3, 40:3, 40:23, 61:18, 63:16, 64:7 valid [1] - 9:10 Van [1] - 99:1 ventilate [1] - 28:10 ventilator [1] - 79:1 version [5] - 8:13, 62:17, 113:1, 113:2, 113:3 versus [1] - 113:3 veto [1] - 100:7 via [4] - 46:2, 86:6, 104:16 video [2] - 3:17, 95:15 videoconference [1] - 1:11 Vince [9] - 32:8, 38:1, 53:8, 64:12, 71:22, 77:6, 79:14, 84:22, 88:7 VINCENT [1] - 2:14 visibility [1] - 28:13 VLAHOS [3] - 2:17, 105:13, 106:19 volume [1] - 34:4 vote [17] - 3:18, 8:8, 23:23, 24:4, 25:2, 41:22, 59:2, 59:6, 59:11, 60:22, 61:10, 61:12, 72:14, 104:10, 105:1, 116:4, 117:6 voted [6] - 41:4, 81:23, 82:15, 83:19, 90:5, 110:16 voting [1] - 61:6</p>	<p style="text-align: center;">W</p> <p>wait [2] - 6:13, 97:16 waited [1] - 28:9 waiting [1] - 28:11 walk [1] - 70:11 walking [1] - 50:7 walkway [1] - 45:16 wants [4] - 6:11, 61:23, 97:15, 109:11 war [1] - 96:22 water [2] - 28:10, 50:10 website [4] - 4:4, 97:2, 102:13, 114:7 week [7] - 46:17, 46:23, 47:2, 47:10, 55:18, 65:20, 101:1 weeks [5] - 50:15, 55:12, 55:24, 100:6, 102:22 weights [1] - 46:7 Weller [3] - 98:16, 100:22, 101:5 WELLER [25] - 2:16, 4:13, 4:22, 5:3, 10:18, 10:21, 53:12, 85:10, 97:23, 98:7, 100:18, 101:7, 101:11, 103:13, 103:17, 103:19, 105:11, 107:18, 112:19, 113:1, 113:11, 113:15, 113:21, 114:19, 115:7 WERE [1] - 117:21 WHICH [1] - 117:21 whole [2] - 9:23, 52:2 Widow [1] - 84:21 Widow's [5] - 13:16, 83:16, 83:20, 84:20, 110:20 widow's [3] - 85:1, 85:23, 88:19 WILLIAM [1] - 2:6 WILLIAMS [7] - 25:5, 25:10, 25:17, 26:3, 26:7, 38:6, 41:9 Williams [9] - 24:10, 24:15, 24:16, 26:13, 33:17, 36:17, 38:2, 38:11, 41:8 willing [1] - 105:1 wish [2] - 4:15, 38:4 wishing [1] - 113:22 withdraw [7] - 59:21, 60:4, 60:7, 60:8, 60:22, 61:5, 61:13 withdrawal [2] - 60:1</p>
--	---	--	--	--

withdrawing [2] -
60:15, 60:16
withdrawn [2] - 61:20,
61:22
Witness [4] - 32:17,
35:23, 53:22, 77:9
witness [15] - 26:8,
32:13, 32:19, 35:15,
36:1, 43:5, 53:10,
53:24, 62:18, 64:15,
65:16, 71:7, 73:19,
77:2, 77:11
witnesses [14] -
25:22, 25:23, 42:17,
42:19, 50:4, 58:24,
62:13, 64:16, 64:21,
65:10, 65:16, 66:1,
66:13, 73:17
Witnesses [2] - 26:6,
43:3
Wojt [1] - 52:16
wonderful [1] - 101:7
words [1] - 76:1
workouts [1] - 56:23
works [2] - 10:3,
114:12
workup [1] - 70:21
worries [1] - 30:7
worse [8] - 29:12,
46:20, 47:3, 50:15,
50:17, 56:1, 56:12,
56:16
writing [1] - 8:17
written [3] - 36:19,
54:18, 78:8

X

x-rays [1] - 29:12

Y

year [8] - 21:23, 22:2,
22:10, 31:5, 31:7,
47:7, 87:4, 102:15
years [4] - 50:23,
75:18, 76:12, 110:22
yourself [1] - 8:8

Z

zero [2] - 99:10, 99:16
Zoom [1] - 104:16