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BEFORE

THE RETIREMENT BOARD

FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF)
MEETING NO. 1085)

STENOGRAPHIC REPORT OF PROCEEDINGS had at

the audio/video 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 Friday, April 23, 2021, 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

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

SARAH A. BOECKMAN, Interim Executive Director

LORI LUND, Deputy Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

MARC TORRES, IT Analyst

MARK MYSLINSKI, City Treasurer's Office

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

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CHAIRMAN FORTUNA: I am going to call this meeting to order on Friday, April 23, 2021.

It is 8:30.

Mary Pat, I would like a roll call, please.

MS. BURNS: Thank you, sir.

Trustee Valencia.

MEMBER VALENCIA: Here.

MS. BURNS: Trustee Nance-Holt.

MEMBER NANCE-HOLT: Present.

MS. BURNS: Trustee Soni.

(No response.)

Trustee Murphy.

MEMBER MURPHY: Here.

MS. BURNS: Trustee Conyears-Ervin.

(No response.)

Trustee McPhillips.

MEMBER MCPHILLIPS: Here.

CHAIRMAN FORTUNA: Trustee Tebbens.

MEMBER TEBBENS: Here.

MS. BURNS: Trustee Fortuna.

CHAIRMAN FORTUNA: I am here.

MS. BURNS: Sir, you have a quorum.

CHAIRMAN FORTUNA: Thank you, very much.

1 Public Act 101-0640 allows this meeting
2 to be conducted by audio and video conference. The
3 Act requires a roll call vote on each matter being
4 acted upon.

5 Further consistent with Public Act
6 101-0640, for the record, I am physically present
7 at the Fund office as is the Fund Secretary and
8 Interim Executive Director. We are proceeding by
9 video conference because we continue to believe
10 that due to the pandemic it is prudent to not be
11 physically present in the same space. We have
12 posted notice of this meeting in accordance with
13 the Open Meetings Act and the meeting is being
14 recorded. A transcript of the proceedings will be
15 prepared and ultimately, after approval, will be
16 made available on the Fund's website.

17 Public Comments. Consistent with Public
18 Act 91-0715 and reasonable constraints determined
19 by the Board of Trustees, at each meeting of the
20 Board or its committees that is open to the public,
21 members of the public may request a brief time to
22 address the Board on relevant matters within its
23 jurisdiction.

24 Are there any requests for public comment

1 today?

2 Okay, hearing none, we will be moving on.

3 Secretary Murphy.

4 MEMBER MURPHY: Thank you, Mr. President.

5 First, we would like to turn to the

6 Approval of Administrative Items.

7 Item A, Approval of the Minutes. The

8 Regular Audio Meeting from March 17, 2021 open and

9 closed minutes and the Regular Audio Meeting

10 transcript for March 17, 2021.

11 I would like to make a motion to approve

12 the open minutes, the audio transcript and the

13 closed session minutes for the March 17th meeting

14 and to keep the closed session minutes closed on

15 the recommendation of counsel.

16 MEMBER TEBBENS: Second.

17 CHAIRMAN FORTUNA: There is a motion by

18 Trustee Murphy. Seconded by Trustee Tebbens.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee McPhillips.

24 MEMBER MCPHILLIPS: Yes.

1 CHAIRMAN FORTUNA: Trustee Tebbens.

2 MEMBER TEBBENS: Yes.

3 CHAIRMAN FORTUNA: Trustee Valencia.

4 MEMBER VALENCIA: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Moving on to

8 consideration and possible action regarding Captain
9 Aparicio Rivera, Engine 117.

10 The Board heard testimony and evidence on
11 this matter last month. At that time, the motion
12 to grant disability benefits to Captain Rivera
13 failed. Thus, today we need to adopt the Findings
14 of Fact and Conclusions of Law in this matter in
15 support of the Board's denial in this matter.

16 Having had time to consider the Findings
17 of Fact circulated by counsel, I would like to make
18 a motion to adopt the proposed Findings of fact in
19 this matter.

20 MEMBER MCPHILLIPS: Second.

21 CHAIRMAN FORTUNA: There's a motion to
22 adopt by Trustee Murphy. Seconded by Trustee
23 McPhillips.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes. Good

7 morning.

8 CHAIRMAN FORTUNA: Trustee McPhillips.

9 MEMBER MCPHILLIPS: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MS. BURNS: If I may, just for the

17 edification of the Trustees, what you just agreed

18 to was entry of the decision stating that Mr.

19 Rivera did not get the five votes necessary to

20 grant a benefit. Therefore, you didn't, by voting

21 yes to the motion, vote that you agreed with the

22 decision. Thank you, very much.

23 MEMBER MURPHY: Moving on to B, I would

24 like to make a motion to approve the Minimum

1 Formula Annuities starting with Member 12501 and
2 ending with Member 14744.

3 MEMBER NANCE-HOLT: Second.

4 CHAIRMAN FORTUNA: There's a motion to
5 adopt by Trustee Murphy. Seconded by Trustee
6 Holt.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 MS. BURNS: You might want to mention
23 that Mr. Rivera was included in those retirement
24 annuities that the Board just approved.

1 MEMBER MURPHY: Thank you.

2 Mr. President, I would like to move on to
3 C, Survivor Annuities. Widow's and Children's
4 Annuities. I would like to make a motion to
5 approve the Widow's Annuities starting with Member
6 10096 through Member 09560.

7 MEMBER MCPHILLIPS: Second.

8 CHAIRMAN FORTUNA: There is a motion to
9 approve by Trustee Murphy. Seconded by Trustee
10 McPhillips.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Holt.

14 MEMBER NANCE-HOLT: Yes.

15 CHAIRMAN FORTUNA: Trustee

16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.

19 MEMBER MCPHILLIPS: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Moving on to Item D,
3 Refunds. There is one this month. I would like to
4 make a motion to approve the Refund for Member
5 18954.

6 MEMBER MCPHILLIPS: Second.

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

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee

14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Moving on to Death

1 Benefits. I move to approve the Death Benefits for
2 Member 10096 through Member 13576.

3 MEMBER MCPHILLIPS: Second.

4 CHAIRMAN FORTUNA: There's a motion by
5 Trustee Murphy. Seconded by Trustee McPhillips.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: Yes.

10 CHAIRMAN FORTUNA: Trustee

11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Moving on to Item F,
22 Partial Payments. I would like to make a motion to
23 approve the Partial Payments beginning with Member
24 10096 and continuing through Member 13576.

1 MEMBER MCPHILLIPS: Second.

2 CHAIRMAN FORTUNA: There is a motion by
3 Trustee Murphy. Seconded by Trustee McPhillips.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: Trustee Valencia.

16 MEMBER VALENCIA: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

19 MEMBER MURPHY: Moving on to Item G,
20 Benefit Recalculations. There are a few Benefit
21 Recalculations due to contract retro payments. The
22 first Benefit Recalculation is to modify an annuity
23 originally approved in January 2021 due to
24 adjustment of a final promotion date.

1 Based on the staff's recommendation, I
2 make a motion to approve an adjustment in annuity
3 for Member 15712, as presented.

4 MEMBER NANCE-HOLT: Second.

5 CHAIRMAN FORTUNA: Motion by Trustee
6 Murphy. Seconded by Trustee Holt.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 MEMBER MURPHY: The next set of Benefit
23 Recalculations are to modify annuities originally

24 approved this year due to inclusion of the Duty

1 Availability pay where eligibility has not yet been
2 determined by the City.

3 Based on the staff's recommendation, I
4 make a motion to approve an adjustment in the
5 annuity for Member 11069, Member 13528 and Member
6 14273, as presented.

7 MEMBER MCPHILLIPS: Second.

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

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee

15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1 MEMBER MURPHY: Next we have four exempt
2 members who as a result of the retro payments from
3 the City owe the Fund contributions. The staff has
4 reached out to all four of those exempt members and
5 has reached agreement that the contributions due
6 and owing will be deducted from their April annuity
7 benefit.

8 In the case of one member, Member 14342,
9 the contributions will be repaid half from the
10 April annuity payment and half from the May annuity
11 payment.

12 Fund counsel has indicated that she will
13 confirm those repayment arrangements in writing
14 with each of the exempt members.

15 Based on those representations, I would
16 like to make a motion to approve the collection of
17 the contributions from Members 12929, 14478, 14342
18 and 13023. I make the motion.

19 MEMBER CONYEARS-ERVIN: Second.

20 CHAIRMAN FORTUNA: Motion by Trustee
21 Murphy. Seconded by Trustee Conyears-Ervin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Holt.

1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee McPhillips.

6 MEMBER MCPHILLIPS: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: Lastly, we turn to
14 approval of the Retro Addendums I through XII. All
15 of the referenced Addendums are set forth in the
16 Board materials and are a part of the meeting
17 docket.

18 Mary Pat, will you please explain what
19 the Addendums show?

20 MS. BURNS: Yes, sir. Thank you, Mr.
21 Secretary.

22 We just wanted the Trustees to know that
23 on each of the Addendums, which are classified
24 depending on whether people are on disability

1 benefits or they are just receiving annuities, we
2 have a footnote that indicates the number of
3 members in each category who we have not yet been
4 able to present to the Board for approval of the
5 retro payments to because we are still awaiting
6 information from the City. We didn't want to
7 holdup, at the request of several of the
8 Firefighter Trustees, the Retro payments to those
9 who we could in good conscience pay.

10 So what you would do today, if you agree
11 to this, is you would be agreeing to the Retro
12 payments detailed in the addendums and the ones
13 that are footnoted will be reserved pending future
14 information from the City of Chicago. So, we will
15 be back to you on those footnoted cases once we
16 have the information needed.

17 To make it easy for the Trustees, we have
18 included in your Board portals, in the confidential
19 portion of your materials, a list of all of the
20 individuals for whom we are not yet able to process
21 the retro benefits. So that you can see those
22 names in case they ask you questions, you know who
23 they are, and you can assure them that we are
24 working diligently to address the issue with the

1 City. Sarah is working diligently with staff and
2 with the City, and the good graces of the various
3 Trustees who are helping us to try to see if we can
4 get the City to resolve this issue and/or Local 2
5 resolve the issue.

6 With that explanation, that should allow
7 you to approve these Retro payments to the
8 individuals listed on Addendums I through XII.

9 MEMBER MURPHY: Based on the explanation
10 from counsel and the staff's recommendation, I
11 would like to make a motion to approve the Retro
12 payments and revised calculations shown on
13 Addendums I through XII for each of the members
14 listed, based on the Collective Bargaining
15 Agreement.

16 MEMBER MCPHILLIPS: Second.

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

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee
24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Mr. President, moving on
11 to H, Requests for Permission. Guardianship/Reside
12 Out of State.

13 There are five guardianship matters.

14 Staff confirms that the appropriate documentation
15 is on file for each of these members.

16 I make a motion to approve guardianship
17 relating to Members 07873, 06289, 06385, 06054 and
18 08771.

19 MEMBER MCPHILLIPS: Second.

20 CHAIRMAN FORTUNA: Motion by Murphy.

21 Second by McPhillips.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Holt.

1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee McPhillips.

6 MEMBER MCPHILLIPS: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: There are also three
14 requests to reside out of state for Members 14529,
15 15790 and 17789. I'd like to make a motion to
16 approve these requests.

17 MEMBER CONYEARS-ERVIN: Second.

18 CHAIRMAN FORTUNA: Motion by Trustee
19 Murphy. Seconded by Trustee Conyears-Ervin.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Holt.

23 MEMBER NANCE-HOLT: Yes.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: Trustee Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Moving on to Item I,
12 Removals. I make a motion to approve the Removals
13 starting with Carlos Martinez ending with Lili
14 Soto.

15 MEMBER TEBBENS: Second.

16 CHAIRMAN FORTUNA: Motion by Trustee
17 Murphy. Seconded by Trustee Tebbens.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Holt.

21 MEMBER NANCE-HOLT: Yes.

22 CHAIRMAN FORTUNA: Trustee

23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Request for Approval of
10 Payments Pursuant to Administrative and Court
11 Orders. I move that the Administrative and Court
12 Orders listed in the docket for Members 011006,
13 013528, 013804 and 015620 be approved.

14 MS. BURNS: On the question, I would like
15 to add Member 014342, the QILDRO relating to that
16 member, to the orders being approved for payment.

17 MEMBER MURPHY: I'd like to make that
18 motion. 014342?

19 MS. BURNS: Yes, sir. The record will so
20 reflect.

21 CHAIRMAN FORTUNA: We have a motion and a
22 second.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Holt.

2 MEMBER NANCE-HOLT: Yes.

3 CHAIRMAN FORTUNA: Trustee

4 Conyears-Ervin.

5 MEMBER CONYEARS-ERVIN: Yes.

6 CHAIRMAN FORTUNA: Trustee McPhillips.

7 MEMBER MCPHILLIPS: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MEMBER MURPHY: Mr. President, I'd like
15 to move on to the disability applications.

16 MR. PINELLI: Mr. Cummings, can you hear
17 me?

18 MR. CUMMINGS: Yes. Good morning. How
19 are you?

20 MR. PINELLI: I am fine, thank you. How
21 are you?

22 MR. CUMMINGS: Good, good. Thank you,
23 very much.

24 MR. PINELLI: Let the record show this is

1 a hearing on the application of Mr. Michael
2 Cummings for a Duty Disability benefit coming on
3 today.

4 Good morning, sir. I am one of the
5 attorneys for the Pension Fund. I will be
6 conducting this hearing for the record. I'd like
7 to advise you of some preliminary matters before we
8 start the evidence.

9 First of all, there are currently seven
10 trustees available to hear the evidence on your
11 application. If you don't know you should know you
12 need the affirmative or yes vote of at least five
13 of those seven trustees in order to receive this
14 benefit, do you understand that?

15 MR. CUMMINGS: Yes, sir.

16 MR. PINELLI: Then the record also
17 indicates that you do not have an attorney who is
18 going to be representing you in this matter. In
19 other words, you will be representing yourself. Is
20 it your desire to proceed without an attorney?

21 MR. CUMMINGS: Yes, sir.

22 MR. PINELLI: Finally, it is the
23 applicant's burden of proof to present sufficient
24 evidence to the Board in order for the Board to

1 grant the benefit that the applicant is seeking.

2 Do you understand it is your burden of proof?

3 MR. CUMMINGS: Yes, sir.

4 MR. PINELLI: By way of procedures, I am
5 going to start by asking you some questions under
6 oath. The Board members may or may not have
7 questions of you. Then I will call the Fund doctor
8 to testify. If there is anything I don't ask him
9 that you think is important for the Board to know,
10 please let me know and then you will be given that
11 opportunity. Do you understand the procedures?

12 MR. CUMMINGS: Yes, sir.

13 MR. PINELLI: Okay, then we are ready to
14 proceed.

15 Dr. Samo, are you on the line as well?

16 DOCTOR SAMO: I am.

17 MR. PINELLI: Then, Dr. Samo and Mr.
18 Cummings, would you both please raise your right
19 hands?

20 (Witness sworn.)

21 MICHAEL J. CUMMINGS

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

24 EXAMINATION

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BY MR. PINELLI:

Q Mr. Cummings, please state your name for the record.

A Michael James Cummings.

Q What is your rank with the Fire Department?

A Lieutenant EMT.

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

A Engine 49.

Q Directing your attention to the Board Exhibits, which have previously been marked 1 through 12, you should have been provided a copy of those by the staff. Did you receive them?

A Yes.

Q Did you have the opportunity to review them?

A Yes, sir.

Q Do you have any objection to their admission into this record in support of your application?

A No, I don't.

MR. PINELLI: Thank you.

Mr. Chairman, I would move for admission

1 of Board Exhibits 1 through 12, without objection
2 from the applicant.

3 CHAIRMAN FORTUNA: Admitted without
4 objection.

5 (Board Exhibits 1 through 12
6 were admitted into evidence.)

7 MR. PINELLI: Thank you.

8 BY MR. PINELLI:

9 Q Now, Mr. Cummings, directing your
10 attention to the date of March 21st of 2020, is
11 that the date on which you were injured that is the
12 basis of your application for these disability
13 benefits?

14 A Yes, sir.

15 Q Now understanding the Board has your
16 sworn statement as part of the exhibits, could you
17 still just briefly describe for them where you were
18 and what happened to you on that day that caused
19 you the injury?

20 A Okay. So we started at work on the 20th,
21 so the 21st I got injured. It was just after
22 midnight.

23 Q Okay. Where were you and why were you
24 there?

1 A I was still on my platoon date so seven
2 o'clock the next morning.

3 Q Okay. Where were you when you were
4 injured and why were you at that location?

5 A So we were stilled out for a still on
6 3742 South Ashland and when we arrived we were told
7 that there were occupants in the building still.

8 So we let out a hose line into the
9 building. At the same time they were doing a
10 primary search. We found nothing. There was a
11 heavy fire load and we didn't find anybody.

12 When we were exiting the building, I had
13 my light on two guys, watched them go out the door,
14 and then it was like hell raised on top of me.

15 I was struck in the head with a beam.
16 Knocked my helmet off, my face piece off, and at
17 the same time it pinned my left hand on a shelf --
18 the top of a refrigerator.

19 And I looked over and there was Dan
20 Malone was coming up from getting out of the
21 debris. We called for a May Day. Some guys came
22 back in from my company and they were able to lift
23 the beam off after a couple of minutes to remove my
24 hand.

1 Q It was your left hand; is that correct?

2 A Yes, sir, my left hand was pinned in.

3 Q Did you ever have an injury to your left
4 hand prior to that incident?

5 A Probably, I think I got it caught in the
6 door, maybe 15 years ago. I just basically went to
7 the hospital because it was on-duty. I was never
8 laid up for that.

9 Q Very well. Now after this injury, then,
10 obviously, you were taken to the hospital and you
11 underwent -- subsequently you underwent medical
12 treatment for your left hand. The records indicate
13 you had a surgery, the first surgery, on March 24th
14 of 2020; is that correct?

15 A Yes, sir. I was taken to Stroger ICU for
16 blunt trauma. They were worried about smoke
17 inhalation because my face was sooted up but it was
18 just my mask was just knocked off temporarily and
19 it was put back on.

20 And I was taken to Stroger. I woke up in
21 the back of the ambulance. I didn't think I had
22 any fingers left. After a little bit of
23 reassurance, they said they are there. They don't
24 look good but they are there.

1 I went to Stroger. They treated me for
2 the trauma. CT scan for my head. They kept an eye
3 on my vital signs and then general stuff. It was
4 off to the first surgery.

5 Q After that surgery, you underwent a
6 period of physical therapy to rehabilitate your
7 left hand and finger?

8 A Yes.

9 Q And then it looks like from the records
10 you underwent a Work Capacity Evaluation in August
11 of last year but you weren't able to pass it
12 sufficiently because of the condition of your left
13 hand and middle finger, correct?

14 A Correct.

15 Q Then you subsequently underwent a second
16 surgery on that same hand; is that correct?

17 A Yes, I did.

18 Q And that from the records it looks like
19 that took place on January 15th of this year,
20 correct?

21 A Yes. In between the first surgery and
22 that, I probably did 15 plus physical therapy to
23 try to get my hand working without the surgery at
24 Sports and Ortho 10909 South Western three days a

1 week.

2 Q When that didn't work or didn't get it
3 back functioning properly, then you had the second
4 surgery, correct?

5 A Yeah. Before they did the surgery, they
6 did an EMG test to test the nerves.

7 Q Okay. Following the second surgery now,
8 sir, have you been undergoing physical therapy
9 again?

10 A Yes, sir.

11 Q And can you describe for the Board at
12 this time the condition and functioning of your
13 left hand and fingers?

14 A I am unable to make a fist or grab
15 something, you know, tight with my left hand. And
16 I am missing the feeling and the finger kind of
17 flops around a little bit.

18 Q Okay. But you're still undergoing
19 treatment to try to continue your rehabilitation,
20 correct?

21 A Yes, sir. Yes, sir.

22 Q Now since you went on layup, have you
23 engaged in any activities by which you earn income?

24 A No, sir.

1 Q Have you engaged in any sporting
2 activities?

3 A No, sir.

4 Q Do you currently have any appointments
5 scheduled with your doctor that is treating you for
6 the left hand?

7 A Yes. In fact, I was in physical therapy
8 this week and I am back there next week and the
9 week after that.

10 MR. PINELLI: Thank you, very much, Mr.
11 Cummings.

12 I have no further questions of this
13 witness.

14 CHAIRMAN FORTUNA: Trustees, any
15 questions?

16 MEMBER MCPHILLIPS: No questions.

17 MR. PINELLI: Hearing no questions, I
18 would ask Dr. Samo to testify.

19 (Witness previously sworn.)

20 DANIEL SAMO, M.D.

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

23 EXAMINATION

24 BY MR. PINELLI:

1 Q Sir, please state your name.

2 A Daniel Samo.

3 Q You are a physician; is that correct?

4 A Yes.

5 Q And a copy of your qualifications as a
6 physician are attached to the Board Exhibits; is
7 that correct?

8 A Yes.

9 Q And do you perform a function as a
10 consultant to this fund?

11 A Yes.

12 Q And in addition to yourself, does also
13 Dr. Michael Peters perform that function for this
14 fund?

15 A Yes.

16 Q Now, with respect to this applicant, did
17 you review certain medical records?

18 A I did.

19 Q Did you have the opportunity to interview
20 him as well?

21 A Yes, I did a telephone interview with
22 him.

23 Q Doctor, you conducted an interview due to
24 the current restrictions because of the COVID-19,

1 correct?

2 A That is correct.

3 Q And with respect to your interview of
4 him, was the information he provided to you
5 consistent with the medical records you had
6 reviewed?

7 A Yes.

8 Q Can you briefly summarize for the Board
9 what you found with respect to his records and your
10 interview of him and his condition?

11 A So as he described the mechanism of the
12 injury, crush injury to his hand. He was seen at
13 Stroger. They cleaned it up and sutured it.

14 Then when he followed up with the
15 orthopedist, the orthopedist opened the wound in
16 his office to explore the wound. He did not find
17 any lacerations of tendons or of the nerve bundle.
18 He talked about how he had lost range of motion and
19 sensation, which was consistent with what was in
20 the records as well as his ongoing therapy.

21 The second surgery he had was for carpal
22 tunnel release, which probably was not really
23 related to the injury. It didn't really solve his
24 problems.

1 Q Doctor, given what he has indicated about
2 his current condition, would that condition inhibit
3 or prevent him from performing his assigned duties?

4 A Yes. He really has difficulty gripping
5 due to loss of range of motion in his index finger.
6 He has some clumsiness with fine motor skills
7 because of the ongoing nerve problems as well as
8 difficulty grasping heavy things. He finds he
9 drops heavy things so that would interfere with his
10 ability to perform many of his essential job tasks.

11 Q Since the surgery was in January is there
12 any indication that he's reached MMI yet or is he
13 still on his way there?

14 A No, I think he still has potential to
15 improve, which is why he's still in therapy.
16 Certainly the range of motion and the motor
17 strength may improve but that's not known yet at
18 this point.

19 Q Given that, doctor, would you recommend
20 to the Fund that you put him in case management to
21 continue to monitor his rehabilitation?

22 A Yes.

23 MR. PINELLI: Thank you, doctor. That is
24 all the questions I have.

1 CHAIRMAN FORTUNA: Trustees, any
2 questions for Dr. Samo?

3 MEMBER MCPHILLIPS: No questions.

4 Mr. President, I make a motion to grant.

5 MEMBER NANCE-HOLT: Seconded by Trustee
6 Holt.

7 CHAIRMAN FORTUNA: There is a motion to
8 grant by Trustee McPhillips. Second by Trustee
9 Holt.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee
15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: I'd like to make a motion
4 for case management consistent with the Board's
5 policy.

6 MEMBER MCPHILLIPS: Second.

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

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee
14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.

19 MEMBER MCPHILLIPS: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Mr. President, counsel
3 has previously sent around proposed Findings of
4 Fact and Conclusion of Law in this matter.

5 Having had a chance to review those, I'd
6 like to make a motion to adopt those Findings of
7 Fact and Conclusion of Law.

8 MEMBER MCPHILLIPS: Second.

9 CHAIRMAN FORTUNA: There's a motion by
10 Trustee Murphy. Seconded by Trustee McPhillips.
11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Holt.

14 MEMBER NANCE-HOLT: Yes.

15 CHAIRMAN FORTUNA: Trustee
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 Mr. Cummings, based on the Findings of
5 Fact made by the Trustees, the Trustees have voted
6 to grant the benefit that you have requested.

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

9 Thank you and good luck.

10 MR. CUMMINGS: Thank you.

11 MR. PINELLI: Let the record reflect this
12 is a hearing on the application of Mr. Michael
13 Imburgia for an Occupational Disease Disability
14 benefit.

15 Good morning, Mr. Imburgia. I am one of
16 the attorneys for the Pension Fund. I will be
17 conducting this hearing for the record. I'd like
18 to advise you of some preliminary matters before we
19 start evidence.

20 First of all, there are eight trustees on
21 the line and present to hear the evidence on your
22 application. If you don't know you should know you
23 need the yes vote of at least five of those eight
24 trustees per the Pension Code in order for you to

1 receive this benefit, do you understand that?

2 MR. IMBURGIA: I do, sir.

3 MR. PINELLI: The record also indicates
4 that you are not having an attorney representing
5 you in this matter. Do you wish to proceed without
6 an attorney today?

7 MR. IMBURGIA: Yes, please.

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

13 MR. IMBURGIA: Yes, sir.

14 MR. PINELLI: Okay. By way of
15 procedures, I am going to ask you some questions
16 under oath, along with the Fund's doctor/physician
17 consultant. If there is anything I don't ask the
18 doctor that you think is important for the Board to
19 know, please let me know and you will be given that
20 opportunity. Do you understand the procedures for
21 today's hearing?

22 MR. IMBURGIA: Yes, sir.

23 MR. PINELLI: Okay, then we are ready to
24 proceed. Mr. Imburgia, could you please raise your

1 right hand? And, Dr. Samo, if you would do the
2 same.

3 (Witnesses sworn.)

4 MICHAEL E. IMBURGIA

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

7 EXAMINATION

8 BY MR. PINELLI:

9 Q Mr. Imburgia, could you please state your
10 name and just spell your last name for the record?

11 A Michael I Imburgia, I-m-b-u-r-a-i-a.

12 Q Sir, what is your current rank with the
13 Fire Department?

14 A Battalion Chief.

15 Q What was your last assignment before you
16 went on layup?

17 A Battalion 13.

18 Q You should have been provided a copy of
19 what's been marked as Board Exhibits 1 through 11
20 prior to today's hearing. Did you get a copy of
21 those exhibits from the staff?

22 A I did, sir.

23 Q Did you have an opportunity to review
24 them?

1 A I did. There is a couple of things that
2 were omitted maybe because it happened after the
3 fact.

4 Q Okay. When you say omitted --

5 A Would we go through like chronological
6 order of what transpired with my health?

7 Q The Board has the benefit of all these
8 medical records, that are marked as Board Exhibits
9 already so we won't go into great detail on that.
10 However, if there is something that's not in there
11 that you think the Board should know about, I will
12 give you that opportunity to explain that to them.

13 A Okay. Now, sir?

14 Q No, when I get to my questions. I just
15 want to know, first of all, whether you have any
16 objection to the introduction of these Board
17 Exhibits that have been marked into the record in
18 support of your application?

19 A No objection.

20 MR. PINELLI: Thank you.

21 Mr. President, I move for admission of
22 Board Exhibits 1 through 11, without objection from
23 the applicant.

24 CHAIRMAN FORTUNA: Admitted without

1 objection.

2 (Board Exhibits 1 through 11
3 were admitted into evidence.)

4 MR. PINELLI: Thank you, Mr. President.

5 BY MR. PINELLI:

6 Q Now, Mr. Imburgia, you are applying for
7 this Occupational Disease Disability benefit based
8 upon a medical condition that you have related to
9 your heart; is that correct?

10 A That is correct.

11 Q The records do indicate that you entered
12 service in 1988; is that correct?

13 A Yes, sir.

14 Q And did you have any issues with your
15 heart prior to entering service with the Fire
16 Department?

17 A No, I did not. As a matter of fact, I
18 was examined for that. They did a 12-lead EKG and
19 they gave us a thorough exam. Nothing was detected
20 at that time.

21 Q So you developed the conditions related
22 to your heart that are the basis of your
23 application after you have been in service with the
24 Fire Department; is that correct?

1 A As far as I know. I was on the busiest
2 truck in the City on the west side Tower Ladder 14.
3 I don't know if that took a toll on me or not. I
4 was unaware of it and I surmise that this probably
5 -- it could have attributed to it, sir.

6 Q Let me ask you since you brought it up,
7 that is a good point, can you just give the Board a
8 brief chronology of the assignments you have had in
9 your career to-date from when you came on to your
10 most recent assignment?

11 A Yes, sir. When I came on, I went to the
12 west side Tower Ladder 14 as I stated. I was there
13 for 12 years. I made Lieutenant and I was assigned
14 as a Reliever out at O'Hare Airport. It wasn't my
15 intention to stay there but I found it pretty
16 fascinating and I relieved for about 20 years. I
17 was going back in and out of the City. You know,
18 there were only three houses at the time so if they
19 didn't need a Reliever then I would go all over the
20 City. I was kind of citywide, to be honest with
21 you. I did that for 20 years. I made Captain.
22 They said I had to have an assignment so I put in
23 for Engine 10, which is also at the airport. Made
24 Captain. Out of Engine 10 I made Battalion Chief

1 and I went back to Battalion 13.

2 Q Very well, thank you for that. With
3 respect to your treatment and so forth, as I said
4 earlier, the Board has the benefit of all the
5 medical records so we are not going to go through
6 that in detail. But I did want to indicate, you
7 did have an open heart surgery procedure on
8 February 24th of 2020; is that correct?

9 A Yes, sir.

10 Q And are you still taking any medications
11 related to that treatment for your heart?

12 A I am, sir. Probably around eight
13 different medications.

14 Q Okay. Now, since you went on layup have
15 you engaged in any activities by which you earn
16 income?

17 A I do own a plumbing company but I don't
18 participate in it. I just continue it because I
19 feel the responsibility to keep my employees
20 working. They have families and bills. But I
21 haven't worked in over ten years.

22 Q You don't perform any physical labor or
23 any physical labor as --

24 A No, not in the last ten years. I take

1 care of all of the office work. My wife used to do
2 it but she passed away so I pretty much take it all
3 on myself.

4 Q Then before I go to the doctor, can you
5 tell us, you said that there was some things not in
6 the record that you just wanted the Board to be
7 aware of with respect to your heart. Can you tell
8 us what that is?

9 A Right. I will try to be brief. I
10 started getting symptomatic. I started retaining
11 water and then I was having trouble breathing. I
12 had water in my lungs. I went to the hospital.
13 They said I needed a valve replacement, but also
14 they discovered that I had an aneurysm in my aorta
15 and that I was in afib so they did a procedure.
16 While they were doing the procedure, they also
17 corrected the aneurysm while they were in. I think
18 that is information you already have.

19 After that they did a TEE,
20 Transesophageal Echo, because I went back into
21 afib. They discovered a blood clot in my right
22 atrium so they weren't able to do an ablation on me
23 which would try to correct that defect.

24 They couldn't do it then so they

1 continued me on the Warfarin to thin the blood and
2 try to clear the aneurysm away, which could cause a
3 stroke or death, so it concerned me very much.

4 They waited around a month. They did
5 another Transesophageal Echo and the blood clot had
6 cleared so they did the ablation on me. It was
7 probably the last procedures that I have done; the
8 most recent.

9 Q When was the ablation?

10 A I don't have the dates but maybe within a
11 month.

12 Q Okay. So right now was it successful in
13 getting your atrial fibrillation under control?

14 A I did go in for a 12-lead echo and they
15 said right now it is okay. It could reoccur. As
16 of now, yes, sir.

17 MR. PINELLI: Thank you for that
18 additional information, that is helpful to the
19 Board.

20 I have no further questions of the
21 applicant.

22 CHAIRMAN FORTUNA: Trustees, any
23 questions?

24 MEMBER MCPHILLIPS: No questions.

1 CHAIRMAN FORTUNA: No questions.

2 MR. PINELLI: Thank you. Then I will
3 call Dr. Samo to testify.

4 (Witness previously sworn.)

5 DANIEL SAMO, M.D.

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

8 EXAMINATION

9 BY MR. PINELLI:

10 Q Sir, please state your name.

11 A Daniel Samo.

12 Q And you're a physician; is that correct?

13 A Yes.

14 Q And you perform a function as a
15 consultant to this fund?

16 A Yes.

17 Q Does Dr. Michael Peters also perform this
18 same function for the Fund?

19 A Yes.

20 Q Do both of you in that capacity review
21 medical records, interview or examine applicants
22 and report to the Board?

23 A Yes.

24 Q In this particular case, did Dr. Peters

1 perform the interview of the applicant?

2 A Yes, he did the record review and the
3 interview.

4 Q In preparation for today's hearing, have
5 you reviewed Dr. Peters' report?

6 A Yes.

7 Q Incidentally, that report is marked as
8 Board Exhibit Number 2, correct?

9 A Yes.

10 Q In addition to reviewing Dr. Peters'
11 report, have you also reviewed all of the Board
12 Exhibits that have been introduced into the record?

13 A Yes.

14 Q Now, with respect to this applicant, can
15 you just summarize for the Board what his condition
16 is with respect to his heart?

17 A Yes. So it all began, he has a
18 congenital bicuspid aortic valve. In other words,
19 it has two leaflets instead of three. And he also
20 had two episodes of bacterial endocarditis, which
21 will further damage the valve and probably is the
22 cause of his aneurysm.

23 The symptoms he describes, because he was
24 in very bad heart failure with a very bad cardiac

1 output, his surgeries corrected much of this.
2 Although, he still is having cardiac heart failure.
3 His output is still poor and because of his atrial
4 fibrillation he is anticoagulated still at this
5 time until such time they know for sure that he's
6 not going back into atrial fibrillation and he's
7 able to get off some of the medication that he is
8 on.

9 Q Okay. Did you also review a record from
10 his treating cardiologist, Dr. Flaherty, indicating
11 that he can't perform any demanding physical labor,
12 including going to fire scenes?

13 A Correct.

14 Q Would you agree with both that assessment
15 as well as Dr. Peters' report?

16 A Yes. I mean, his cardiac output is very
17 poor and he would not be able to exert himself.
18 He's also on an anticoagulant which in and of
19 itself would not allow him to return to full duty.

20 MR. PINELLI: Thank you, doctor. I have
21 no further questions.

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

24 MEMBER MCPHILLIPS: No questions.

1 MEMBER MURPHY: Mr. President, having
2 heard the testimony, I would like to make a motion
3 to grant the benefits by Chief Imburgia.

4 MEMBER MCPHILLIPS: Second.

5 CHAIRMAN FORTUNA: There is a motion to
6 grant by Trustee Murphy. Seconded by Trustee
7 McPhillips.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1 MEMBER MURPHY: Mr. President, I'd like
2 to make a motion for re-exam consistent with the
3 Board's policy.

4 MEMBER MCPHILLIPS: Second.

5 CHAIRMAN FORTUNA: There is a motion for
6 reexam by Trustee Murphy. Seconded by Trustee
7 McPhillips.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1 MEMBER MURPHY: Counsel has previously
2 sent around proposed Findings of Fact and
3 Conclusions of Law in this matter.

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

7 MEMBER MCPHILLIPS: Second.

8 CHAIRMAN FORTUNA: Motion by Trustee
9 Murphy. Seconded by Trustee McPhillips.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee

15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 Mr. Imburgia, based on the Findings of
4 Fact made by the Trustees, the Trustees have voted
5 to grant the benefit that you have requested.

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

8 Thank you and good luck.

9 MR. IMBURGIA: Thank you, sir, and thank
10 you to all the Trustees.

11 MR. PINELLI: Let the record reflect this
12 is the hearing on the application for a Duty
13 Disability benefit being made by Mr. Samuel Kurban.

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

18 First of all, there are currently eight
19 trustees present to hear the evidence on your
20 application. If you don't know you should know you
21 need the yes vote of at least five of the eight
22 trustees in order to receive this benefit, do you
23 understand that?

24 MR. KURBAN: I do, sir.

1 MR. PINELLI: The record also indicates
2 that you did not retain an attorney to represent
3 you in this matter. Is it your desire to proceed
4 without an attorney?

5 MR. KURBAN: That is correct, sir.

6 MR. PINELLI: Lastly, it is the
7 applicant's burden of proof to present sufficient
8 evidence to the Board in order for the Board to
9 grant the benefit that the applicant is seeking.
10 Do you understand it is your burden of proof?

11 MR. KURBAN: Yes, I do.

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

21 MR. KURBAN: Yes, I do, sir.

22 MR. PINELLI: Thank you. Then I would
23 ask that you raise your right hand, along with Dr.
24 Samo.

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(Witnesses sworn.)

SAM A. KURBAN

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

EXAMINATION

BY MR. PINELLI:

Q Mr. Kurban, could you please state your your name and spell your last name for the record?

A My name is Sam Anthony Kurban. Last name K-u-r-b-a-n.

Q What is your rank with the Fire Department?

A Firefighter EMT.

Q What was your last assignment before you went on layup for this injury?

A Truck 9.

Q Directing your attention to the group of Board Exhibits 1 through 12, you should have been provided a copy of those by the staff before today's hearing. Did you receive them?

A Yes, I did.

Q Did you have an opportunity to review them?

A Yes, I did.

1 Q Do you have any objection to their
2 admission into the record in support of your
3 application?

4 A Absolutely not.

5 MR. PINELLI: Thank you.

6 Mr. President, I would move for admission
7 of Board Exhibits 1 through 12, without objection.

8 CHAIRMAN FORTUNA: Admitted without
9 objection.

10 (Board Exhibits 1 through 12
11 were admitted into evidence.)

12 MR. PINELLI: Thank you.

13 BY MR. PINELLI:

14 Q Now, Mr. Kurban, directing your attention
15 to March 28th of 2020 is that the day on which you
16 incurred an injury that is the basis of your
17 application?

18 A That is correct.

19 Q Now understanding that the Board has the
20 benefit of your sworn statement to them about what
21 happened, could you still briefly describe for us
22 where you were and what happened to you that caused
23 you the injury that is the basis of your
24 application?

1 A Okay. On March 28th of 2020, at
2 approximately 20 hours into my shift, at about
3 two-thirty in the morning, my firehouse received a
4 phone call for an accident on the Kennedy
5 Expressway. So my truck, our engine, and our
6 ambulance all responded to it.

7 When we arrived on the scene, there was a
8 woman standing at the roadside who was the driver
9 of an overturned vehicle that was upside down in a
10 ditch right off of the Kennedy Expressway.

11 She had minor injuries and she said her
12 boyfriend was still trapped in the vehicle. Myself
13 and another member, we grabbed our e-Tools, which
14 are more commonly known as the Jaws of Life to most
15 people.

16 We removed the two driver side doors,
17 even though this gentleman was a passenger, because
18 the car was on its roof and it was leaning on the
19 passenger side so we couldn't gain access to the
20 passenger side.

21 We removed the two driver side doors. I
22 crawled into the back of the vehicle. A partner
23 off the engine crawled into the front.

24 The occupant was lifeless and

1 unresponsive. He was wrapped up in the seated belt
2 suspended over our head. His head was stuck
3 between the two front seats. We tried to remove
4 his head from the two front seats but because of
5 the position of his torso we couldn't remove his
6 head. So we needed to cut the seatbelt but prior
7 to cutting the seatbelt, I extended my arm straight
8 up. Like I pulled my arm in a 90 degrees and my
9 elbow on the ground and my palm facing up in the
10 air. And I placed my palm under the man's torso to
11 hold his body weight up while we cut the seatbelt
12 because if we let his torso down he might have
13 suffered more injuries to his head, neck or spine.

14 Once my partner cut the seatbelt, I now
15 had the victim's body weight in the palm of my
16 hand, which was fine at this time, and with my
17 other hand and with the assistance of my partner,
18 we removed his head from between the two front
19 seats.

20 As we removed his head, he regained
21 consciousness and he became combative and he began
22 fighting with me in the back compartment. Through
23 the tussle my shoulder -- my upper arm dislocated
24 from my shoulder joint and I -- at this point I

1 have his whole body on my side of the vehicle and
2 he is still fighting with me.

3 And I kept identifying myself as a
4 firefighter. Told him he was in an accident. I
5 needed him to remain calm so I can remove him from
6 the vehicle. He acknowledged. He stopped fighting
7 and he was moaning and crying in pain.

8 At that point I just yelled behind me
9 that I had the occupant freed and he would be
10 coming out head first and I needed a backboard slid
11 underneath me.

12 Once I had the backboard underneath me, I
13 attempted to back myself out and pull this
14 gentleman but I couldn't do both because of the
15 condition of my arm.

16 So I made a quick body harness out of
17 some rope in my pocket. I backed out. I pulled
18 the victim onto the stretcher -- I'm sorry, onto
19 the backboard.

20 Once on the backboard, myself and
21 probably every other member on scene, we all
22 grabbed a piece of the backboard, we walked up the
23 embankment, placed him on the stretcher and I
24 ceased all patient care at that time.

1 Q Now you mentioned injuring your shoulder.
2 Which shoulder was it that you injured?

3 A It was my left shoulder, sir.

4 Q Prior to this incident, had you ever had
5 an injury or any problems with your left shoulder?

6 A The year previous to that we were lifting
7 a 400-pound patient, which we had on a daily basis
8 at my fire house. I had a shoulder injury then.
9 It was resolved within that year.

10 I might add four other members were also
11 injured as a result of the lifting of this
12 particular patient so.

13 Q That injury resolved without any surgical
14 intervention, correct?

15 A That is correct, sir, yes.

16 Q The physical therapy and conservative
17 treatment, correct?

18 A Correct.

19 Q Now following this injury, you underwent
20 a MRI, which indicated there was damage in your
21 left shoulder, and that resulted you in having an
22 initial surgery on May 29th of 2020; is that
23 correct?

24 A That is correct, sir.

1 Q Following that initial surgery, the
2 records indicate that you underwent some physical
3 therapy following that surgery; is that correct?

4 A I went through 74 sessions of physical
5 therapy in the entire time which was nine months.
6 I never had full range of motion. I had pain off
7 the charts. I was given a steroid pack for the
8 medication to help relieve those symptoms which did
9 not help. I also received a cortisone shot and
10 after nine months of therapy I still did not have
11 full range of motion. I could only lift my arm 90
12 degrees in an abducted position.

13 At that time I even requested Medical if
14 I could change therapy providers which I did. I
15 went to a different facility because it just wasn't
16 working at my initial one.

17 Obviously, at that point -- not
18 obviously, but at that point it wasn't get better
19 at all. I talked extensively with Medical about
20 getting a second opinion because nothing was
21 working.

22 Medical was ever so gracious about
23 acquiring another doctor for me and I did have a
24 second surgery.

1 Q That was performed on February 25th of
2 this year, correct?

3 A Yes, that is correct, sir.

4 Q Following that second surgery now have
5 you started up physical therapy yet?

6 A I started physical therapy six days after
7 my surgery so I have been going to physical therapy
8 for over a month now.

9 After the surgery I had better range of
10 motion by far than after my first surgery and I was
11 very, very, very optimistic.

12 I was telling everybody. I went to the
13 firehouse. I told the guys I will be back soon,
14 guys. I told Medical that this has been a game
15 changer for me. I am so pumped about this.

16 And then as of right now, which I am at
17 the two month mark, I still can't do anything that
18 I did. I am actually right back to where I was
19 before. I can't even put my wallet in my back
20 pocket right now. I don't have full range of
21 motion. My pain is exalating and it's just really
22 no better, except for my range of motion.

23 Q Since you went on layup, have you engaged
24 in any activity by which you earn income?

1 A No, sir.

2 Q Have you engaged in any sporting
3 activities?

4 A None whatsoever.

5 Q Do you have any appointments scheduled
6 with the doctor that performed -- is that Dr.
7 Garrigues?

8 A Yes, Dr. Garrigues. I have an
9 appointment on May 18th.

10 MR. PINELLI: Thank you, that is all the
11 questions I have at this time.

12 CHAIRMAN FORTUNA: Trustees, any
13 questions?

14 MEMBER MCPHILLIPS: No questions.

15 CHAIRMAN FORTUNA: No questions, Vince.

16 MR. PINELLI: All right. Thank you. At
17 this time I would call Dr. Samo.

18 (Witness previously sworn.)

19 DANIEL SAMO, M.D.

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

22 EXAMINATION

23 BY MR. PINELLI:

24 Q Please, state your name.

1 A Daniel Samo.

2 Q You are a physician; is that correct?

3 A Yes.

4 Q And you perform a function as a
5 consultant to this fund?

6 A Yes.

7 Q In that capacity, do you review medical
8 records, interview or examine applicants and write
9 a report to the Board?

10 A Yes.

11 Q And in addition to yourself, does Dr.
12 Michael Peters also perform this same function?

13 A Yes.

14 Q With respect to this applicant, which one
15 of you did the interview of Mr. Kurban?

16 A Dr. Peters did the record review and the
17 interview.

18 Q Did he file a written report with the
19 Board that is marked as Board Exhibit 2?

20 A Yes.

21 Q Now, doctor, prior to today's hearing,
22 did you review both his report as well as all of
23 the Board Exhibits that were introduced into
24 evidence?

1 A Yes.

2 Q Can you briefly summarize for the Board
3 the current status of his left shoulder?

4 A His current status is that he's just
5 recently postoperative for his second procedure and
6 as he said he's still symptomatic. He is still
7 having pain which would be expected at this time.

8 Q Is there some general time frame within
9 which you would expect under normal circumstances
10 that he would reach MMI following the second
11 surgery?

12 A The shoulder surgery, it is usually
13 prolonged, three to six months at least.

14 Q So what he's experiencing right now is
15 not anything out of the ordinary for his condition
16 and having undergone a second surgery so recently?

17 A I am not surprised that he's not at MMI
18 yet. His symptoms are getting worse. Hopefully
19 that reverses itself but at this point you can't
20 really tell.

21 Q Okay. Based on that then, would you
22 agree with Dr. Peters that he's not capable of
23 performing his duties at this time?

24 A Yes, I would absolutely agree with that.

1 Q Would you have a recommendation of the
2 Board for case management given the recentness of
3 his surgery?

4 A Yes, I think he should be seen probably
5 at three months postoperatively and six months
6 postoperatively to see if he indeed improves.

7 MR. PINELLI: Thank you, doctor, I have
8 no further questions.

9 CHAIRMAN FORTUNA: Trustees, any
10 questions for the doctor?

11 MEMBER MCPHILLIPS: No questions.

12 Motion to grant.

13 MEMBER MURPHY: Second.

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

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Holt.

20 MEMBER NANCE-HOLT: Yes.

21 CHAIRMAN FORTUNA: Trustee
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Mr. President, I'd like
11 to make a motion for reexam consistent with the
12 Board's policies.

13 MEMBER MCPHILLIPS: Second.

14 CHAIRMAN FORTUNA: Motion for reexam by
15 Trustee Murphy. Seconded by Trustee McPhillips.
16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Holt.

19 MEMBER NANCE-HOLT: Yes.

20 CHAIRMAN FORTUNA: Trustee
21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Mr. President, counsel
10 has previously sent around the Findings of Fact and
11 Conclusions of Law. I make a motion to adopt the
12 Findings of Fact and Conclusions of Law in this
13 matter.

14 MEMBER MCPHILLIPS: Second.

15 CHAIRMAN FORTUNA: Motion by Trustee
16 Murphy. Seconded by Trustee McPhillips.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Holt.

20 MEMBER NANCE-HOLT: Yes.

21 CHAIRMAN FORTUNA: Trustee
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 CHAIRMAN FORTUNA: Sir, based on the
11 Findings of Fact made by the Trustees, the Trustees
12 have voted to grant the benefit that you have
13 requested.

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

16 Thank you and good luck.

17 MR. KURBAN: Thank you, very much, all of
18 you board members. Much appreciated.

19 MS. BURNS: Mr. President, now would you
20 entertain a motion to go into closed session
21 pursuant to Section 2(c)4 of the Open Meetings Act
22 to discuss the next hearing?

23 MEMBER MURPHY: I'd like to make that
24 motion.

1 MEMBER VALENCIA: Second.

2 CHAIRMAN FORTUNA: Motion by Trustee
3 Murphy. Seconded by Trustee Valencia.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee

9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Mr. President, I'd like
22 to ask Vince to present Elizabeth Mazor, Paramedic
23 in Charge.

24 MR. PINELLI: Okay. Thank you, Mr.

1 Secretary. Is Ms. Mazor on the line?

2 MR. MARCONI: Vince, she is here. I had
3 her come to my office so we didn't have technology
4 issues. We are on the same Zoom call.

5 MR. PINELLI: Very well. Okay. Let the
6 record reflect this is a hearing on the application
7 for a Duty Disability benefit being made by
8 Elizabeth Mazor, who is present.

9 Good morning, Ms. Mazor. Can you hear
10 me?

11 MS. MAZOR: I am sorry?

12 MR. MARCONI: I am turning up my volume.

13 MR. PINELLI: I just introduced myself.
14 I am one of the attorneys for the Pension Fund.
15 Good morning.

16 MS. MAZOR: Good morning, sir.

17 MR. PINELLI: Let the record reflect Ms.
18 Mazor is present by both audio and video, along
19 with her counsel.

20 Counsel, could you please identify
21 yourself for the record?

22 MR. MARCONI: Jerry Marconi on behalf of
23 the applicant.

24 MR. PINELLI: Thank you. Now we are

1 ready to proceed with the hearing.

2 I'd like to take care of some preliminary
3 items before we start evidence as we always do as
4 you know.

5 First of all, counsel, you should have
6 received the Board Exhibits or at least had the
7 opportunity to receive them and review them before
8 today's date.

9 MR. MARCONI: Yes, I believe I received
10 two different deliveries. One fairly recent with
11 some updated records and then I think there was
12 another one maybe a year or two ago.

13 MR. PINELLI: Yes, I think in total they
14 are marked Board Exhibits 1 through 20.

15 MR. MARCONI: Right.

16 MR. PINELLI: Okay. Do you have any
17 objection to their admission into the record?

18 MR. MARCONI: I do not.

19 MR. PINELLI: Thank you. Then you have
20 also submitted for the Board's consideration what's
21 been marked as Applicant's Exhibit 1; is that
22 correct?

23 MR. MARCONI: That is correct.

24 MR. PINELLI: Could you just briefly

1 describe what it is? You don't have to talk about
2 it, but just what is it?

3 MR. MARCONI: All it is, it is a summary
4 order from the Illinois Appellate Court, which
5 affirmed the conviction of the individual who
6 assaulted Ms. Mazor. And it has some facts in it
7 so I was just going to rely on those facts as
8 opposed to going through the whole incident again,
9 unless the Board wants us to go through that again.

10 MR. PINELLI: Okay. Let's just deal with
11 the exhibit at this point.

12 At this point, Mr. President, I would
13 move for admission of Board Exhibits 1 through 20,
14 without objection from the applicant. The
15 applicant is moving for admission of Board Exhibit
16 1A, which he did tender to us. I reviewed it. I
17 have no objection to it. It is a court order, a
18 valid court order, so I have no objection to it.
19 So we would ask that all those exhibits be entered
20 into the evidence at this time.

21 CHAIRMAN FORTUNA: They are admitted
22 without objection.

23 (Board Exhibits 1 through 10 and
24 Applicant Exhibit 1A were admitted

1 into evidence.)

2 MR. PINELLI: Thank you.

3 Now at this time then we are ready to
4 proceed.

5 Counsel, how do you wish to proceed at
6 this time, calling witnesses or --

7 MR. MARCONI: Yes. Vince, there is one
8 thing that I guess we can put in the record. I
9 know that the Board had subpoenaed her partner at
10 the time and then I sent you an email and sent Lori
11 an email saying I could call him first so that he
12 doesn't have to sit through this.

13 I know that he has to be out of here by
14 11 anyway so what I was going to do was call Mr.
15 Ortega first, put him on quickly. I am assuming
16 you would cross examine him and then he would be
17 done, he could be released.

18 MR. PINELLI: Yes, we appreciate that
19 consideration for him as well so please feel free
20 to call him as your first witness.

21 MR. MARCONI: I would call, hopefully he
22 is on, Oscar Ortega.

23 MR. PINELLI: Mr. Ortega, can you hear
24 us?

1 MR. ORTEGA: Yes. Can you hear me?

2 MR. PINELLI: Yes, we can. Thank you.

3 Before you testify, I want to advise you
4 of a couple of things. First of all, I am one of
5 the attorneys for the Board and we're conducting
6 this hearing for the record.

7 And at this time I'd like you to raise
8 your right hand.

9 (Witness sworn.)

10 MR. PINELLI: Thank you, sir. I am going
11 to turn you over to Mr. Marconi, who is the
12 attorney for Ms. Mazor.

13 You may proceed.

14 OSCAR ORTEGA

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

17 EXAMINATION

18 BY MR. MARCONI:

19 Q Good morning, Mr. Ortega.

20 A Good morning.

21 Q Just for the record, can you state where
22 you are currently employed?

23 A Yes, I am currently employed for the
24 Chicago Fire Department.

1 Q How long have you been employed by the
2 Chicago Fire Department?

3 A I have been employed for the Chicago Fire
4 Department since April 1, 2015.

5 Q Are you a Paramedic?

6 A I am.

7 Q The date of an incident here was January
8 11 of 2017. Were you a Paramedic on that date?

9 A Yes, I was.

10 Q You know Beth Mazor, correct?

11 A Correct, I do.

12 Q Was she your partner on that day?

13 A Yes, she was.

14 Q Was she your regular partner?

15 A No, she was not my regular partner.

16 Q I realize this was over four years ago.

17 I am assuming your memory is somewhat cloudy as to
18 the details, correct?

19 A Correct. As far as details, I really
20 don't remember much. But as far as the incidents,
21 then, you know, yes.

22 Q I will lead you a little bit. At about
23 9:30 in the evening, do you remember responding to
24 a single vehicle crash in your ambulance with Ms.

1 Mazor?

2 A Yes, I do.

3 Q It's my understanding you would have
4 loaded this person into the ambulance to be taken
5 to Northwestern Hospital; is that correct?

6 A Correct.

7 Q Who was driving?

8 A That would be me, sir.

9 Q As you got near Northwestern to the
10 emergency room, did you hear a commotion in the
11 back?

12 A I remember my partner Beth Mazor stating
13 something along the lines that our patient was
14 trying to get out of the spinal immobilization we
15 had placed him in, which would be a C-collar and a
16 backboard. And then I remember asking her if she
17 needed me to pull over to help her out.

18 Q Okay. And it's my understanding you
19 didn't pull over until you got into the bay of the
20 emergency room; is that correct?

21 A Correct.

22 Q When you got out of the ambulance, do you
23 remember if security guards were there one way or
24 the other?

1 A Yes, they were.

2 Q Okay. Do you remember who opened the
3 rear of the ambulance?

4 A I do not. I do not recall if it was me
5 or if it was the security from Northwestern.

6 Q Okay. Were you at the rear of the
7 ambulance when the doors were opened?

8 A I am not sure if I was at the rear or if
9 I was on the side door.

10 Q Did you see anything unusual when the
11 doors opened with regard to your patient and Ms.
12 Mazor?

13 A Yes. As the doors, whether it were the
14 rear ones or the side door, were opened, I recall
15 seeing my partner in distress with the patient
16 holding onto her hair.

17 Q Did you try to help her?

18 A Of course I did.

19 Q How did you try to help her?

20 A I immediately jumped to the captain's
21 chair, which is located directly behind the head of
22 the patient. If you can imagine the gurney inside
23 the back of the ambulance, the captain's chair
24 would be directly behind the head of the patient.

1 So I jumped on that chair and tried to pry the
2 fingers of our patient off of my partner's hair.

3 Q What kind of effort did you have to use
4 in order to get his hands off of her or out of her
5 hair, whatever he was doing?

6 A It was a pretty strong effort. He was
7 surprisingly pretty strong. I had to put some
8 elbow grease in there, if you will.

9 Q Were the security guards helping you at
10 this point trying to get him off of Ms. Mazor?

11 A I don't recall if they were helping me to
12 pry the fingers off but I am sure they were inside
13 like trying to hold him down in some sorts of
14 fashion.

15 Q Okay. Eventually did you get -- either
16 you or the security guards, did you get him off of
17 her?

18 A I believe we did by the time we were to
19 get him unloaded off of the ambulance.

20 Q Okay. Do you remember one way or the
21 other whether Ms. Mazor then had some treatment in
22 the ER?

23 A Yes. So I remember her -- what I
24 remember is after we transferred care of our

1 patient to the trauma team, I do what I normally
2 do. I go to the back of the ambulance and I
3 cleanup whatever mess is left behind. And my
4 partner walking up to me and saying that she wanted
5 -- she needed to be seen because she was hurt. So
6 I was like, well, if you are hurt, then, yes, of
7 course, you know, get seen by all means. So, yes,
8 she did get seen that day.

9 Q Did you work the rest of the day by
10 yourself? In other words, she didn't join you
11 working finishing off the shift, correct?

12 A Correct. She did not finish off the
13 shift with us. She did -- she was seen at the
14 hospital. I don't remember how many hours or so
15 but I do remember -- I do remember getting a
16 partner for the remainder of our shift. A
17 different partner I should say.

18 Q And then, quickly, as far as testifying
19 about what happened, today is not the first time
20 you testified, correct?

21 A That is correct. I testified in the Cook
22 County court's building. I believe it is the
23 court's building. The one on 26th Street. I want
24 to say maybe two years ago, two, three years ago.

1 I don't remember exactly when it was. But, yes, it
2 is not my first time.

3 Q It may have been like a year after the
4 incident happened, correct?

5 A Possibly, correct.

6 Q You really have not had much contact, if
7 any contact, with Ms. Mazor during that period of
8 time, correct?

9 A Correct.

10 Q I mean, she is not a social friend of
11 yours? You guys don't meet? I mean, you don't
12 hang around the same social circles, correct?

13 A No. Correct. We haven't had any contact
14 I believe since we worked together possibly.

15 Q And maybe at the criminal trial did you
16 see her?

17 A I don't -- No, I didn't see her then.

18 MR. MARCONI: All right. I have nothing
19 else, Vince.

20 EXAMINATION

21 BY MR. PINELLI:

22 Q Stay on the line, please, sir, I just
23 have a couple of quick questions for you as well.

24 This is again Vince Pinelli attorney for the

1 Pension Fund. Can you hear me?

2 A Yes, I can hear you.

3 Q You mentioned that you were working with
4 her this day. Had you ever worked with her before
5 that date?

6 A I honestly don't remember. I want to say
7 I maybe worked with her maybe once -- once before.
8 Maybe once or twice before.

9 Q Okay. You really didn't have a lot of
10 knowledge or experience with her as a co-worker
11 before this incident, would that be accurate?

12 A Yes, that is accurate to say.

13 Q Just quickly, when you testified you
14 opened the doors or the doors were opened and you
15 first saw what was happening, I just want to
16 understand the positioning of the patient. Was he
17 on his back?

18 A So our patient -- I forgot his name but,
19 yes, when we loaded him onto our stretcher, we --
20 what we do, it is called the immobilization. So we
21 put him supine which would be, yes, on his back
22 belly up onto a backboard to prevent him from
23 further injuring possibly whatever kind of injury
24 he has, right. Yes, he was on his back looking up

1 on a backboard and a C-collar which would also
2 prevent him from moving his cervical area, his
3 neck.

4 Q Was he restrained with any straps or
5 anything, other than the C-collar?

6 A So he would have been restrained with
7 seatbelts.

8 Q Okay.

9 A We have lower leg, mid thigh, and then I
10 would say upper thoracic area where the seatbelts
11 would land.

12 Q Okay. And, to your knowledge, those were
13 in place and being used as restraints at the time
14 you saw him?

15 A At the time we loaded him and packaged
16 him up to transport him to the hospital, yes. At
17 the time we unloaded him, I do not recall if they
18 were still in place or not.

19 Q Fair enough. Lastly, so he's on his back
20 supine as you have described. Can you just tell us
21 Ms. Mazor's position in relation to him? Was she
22 facing him? Just describe for me when you first
23 saw what was happening.

24 A Yes. My partner, Ms. Mazor, as the doors

1 were opened, I remember her standing by the
2 patient's upper torso you could say, the head area,
3 leaning -- leaning downward basically onto him as
4 he is holding her hair. Like holding her down. So
5 she is basically bending over him, over our
6 patient.

7 MR. PINELLI: Okay, that is all I needed
8 to know. Thank you, very much. I have no further
9 questions.

10 Does the board have any questions, board
11 members?

12 CHAIRMAN FORTUNA: Any questions?

13 MEMBER MCPHILLIPS: Oscar, I apologize if
14 this was asked earlier and I didn't catch it. But
15 from the time you first heard Ms. Mazor state that
16 she needed help and that your patient was pulling
17 off his C-collar, how much time passed from that
18 until you pulled up and parked the ambulance
19 approximately?

20 MR. ORTEGA: I want to say it was
21 probably -- it was maybe a minute, maybe even under
22 a minute from the time -- from the time this
23 happened I believe.

24 I know I wasn't far from the hospital

1 because I did ask a few times if she needed me to
2 pull over and I remember telling her I am 20
3 minutes out -- or 20 seconds out or some sort of
4 seconds, it wasn't very long, and she said just
5 keep going since -- I believe since we were so
6 close.

7 MEMBER MCPHILLIPS: Okay, thank you. No
8 other questions.

9 CHAIRMAN FORTUNA: Trustees, any other
10 questions?

11 MEMBER CONYEARS-ERVIN: I do have a
12 question, Mr. President.

13 CHAIRMAN FORTUNA: Please go.

14 MEMBER CONYEARS-ERVIN: I just want to
15 make sure I am hearing this right. When Attorney
16 Marconi was asking you a question, Oscar, he had
17 mentioned in several of his questions he stated the
18 patient on top of -- and I don't want to say the
19 name incorrectly. What is the name of our member
20 here?

21 CHAIRMAN FORTUNA: Elizabeth Mazor.

22 TRUSTEE CONYEARS-ERVIN: Ms. Mazor. He
23 mentioned several times the patient on top of Ms.
24 Mazor. So the patient was restrained but yet the

1 patient had Ms. Mazor's hair; is that correct?

2 MR. ORTEGA: So our patient was on a
3 backboard, with a C-collar, restrained onto our
4 stretcher. It is how we transport all of our
5 patients for the most part if it is a trauma,
6 unless they want to sit up. But in this case,
7 since he was on a backboard, he wasn't able to sit
8 up. He was not on top of my partner. My partner
9 was basically leaning over him because he's on a
10 bed. He's on a bed basically reaching up with his
11 hands on his head pulling -- pulling her down.

12 So if you can imagine my partner
13 basically having her head by the patient, who is
14 laying on the bed, with my partner's head basically
15 to our patient's shoulder, chest, head area, upper
16 torso.

17 MEMBER CONYEARS-ERVIN: I understand.
18 Thank you for clarification.

19 CHAIRMAN FORTUNA: Trustees, any other
20 questions?

21 MEMBER MCPHILLIPS: No questions.

22 CHAIRMAN FORTUNA: I do have one
23 question. Was your hair the way it is today, Ms.
24 Mazor?

1 MS. MAZOR: No, sir. It was in a bun,
2 per protocol, off my collar.

3 CHAIRMAN FORTUNA: The patient grabbed
4 from behind then, obviously, and pulled you towards
5 the stretcher?

6 MS. MAZOR: Yes. He grabbed the back of
7 my bun and then as my bun was coming out, his hands
8 got entangled into my hair.

9 CHAIRMAN FORTUNA: Okay, thank you.
10 Any other questions?

11 MR. PINELLI: Mr. Marconi, do you have
12 any followup or are we good?

13 MR. MARCONI: We are good. I don't have
14 any followup.

15 MR. PINELLI: Thank you. We can release
16 Mr. Ortega. Thank you, very much, sir, for being
17 available. You may disengage us.

18 MR. ORTEGA: Thank you.

19 MR. PINELLI: That is done, now do you
20 have another witness you wish to call?

21 MR. MARCONI: I am going to call Scott
22 Mazor first. He will be shorter than Beth Mazor,
23 if I can just yell his name. I have him out in the
24 lobby, by the way, I know we talked about a motion

1 to exclude so that he can't hear the testimony so I
2 have to get him and then bring him in here.

3 MR. PINELLI: Fine. Sure.

4 Good morning, sir. My name is Vince
5 Pinelli. I am an attorney for the Pension Fund.
6 Before you testify, I just need to put you under
7 oath. Can you raise your right hand?

8 (Witness sworn.)

9 MR. PINELLI: Thank you. You may
10 proceed, counsel.

11 SCOTT MAZOR

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

14 EXAMINATION

15 BY MR. MARCONI:

16 Q Sir, if you would please state your name,
17 and just spell your name for the -- I think there
18 is a court reporter.

19 MR. PINELLI: This is being recorded,
20 yes.

21 THE WITNESS: Scott Mazor. S-c-o-t-t
22 last name M-a-z-o-r.

23 BY MR. MARCONI:

24 Q Are you related or do you know the

1 applicant Beth Mazor?

2 A Yes, that is my wife.

3 Q How long have you been married?

4 A Nine years.

5 Q What year did you get married?

6 A 2012.

7 Q Are you employed?

8 A Yes.

9 Q Where are you employed?

10 A Palos Heights Fire Protection District.

11 Q What is your occupation?

12 A I am a Lieutenant there.

13 Q So your rank is Lieutenant; is that
14 correct?

15 A Correct.

16 Q How long have you been a firefighter?

17 A Firefighter total would be about 18, 19
18 years. I have been with Palos Heights for around
19 13, 14 years.

20 Q When you met Beth was she working at
21 another ambulance service? She was not in Chicago,
22 correct?

23 A No, she worked for Buzz Ambulance.

24 Q Where were you guys living when you got

1 married?

2 A Tinley Park.

3 Q Do you have children with Beth?

4 A Yes, two.

5 Q What are their ages?

6 A Our daughter is 11 and our son is 8.

7 Q During your marriage, do you remember
8 when Beth got hired by the Chicago Fire Department?

9 A About 2014 because our son was two at the
10 time.

11 Q Did you then move in -- sell your house
12 in Tinley and then move into the City?

13 A Yeah, we had to sell our house in Tinley
14 to move to the City. You have to be a resident
15 within the City limits.

16 Q You currently live within the City of
17 Chicago; is that correct?

18 A Yes, currently live within the City
19 limits.

20 Q Now, the incident in this case occurred
21 on January 11, 2017. I am assuming you were living
22 with Beth at that point, correct?

23 A Yes.

24 Q Did you get a notification from her or

1 anyone while you were at work?

2 A Yes. I was at work and she called me
3 telling me that a patient attacked her and that she
4 is at the hospital, she's okay right now, and she
5 will get back to me.

6 Q And then going into the early morning
7 hours then, and I will go to January the 12th, did
8 you see Beth at home?

9 A Yes. When I got home -- I get home
10 usually about 7:30 in the morning. My wife was
11 sitting on the couch with our babysitter at the
12 time and they were discussing some of the events
13 that occurred and just how the children were when I
14 got home.

15 Q As far as the Chicago Fire Department,
16 did anyone show up from the Fire Department that
17 morning?

18 A Maybe about an hour, hour and a half
19 later, we had three members from the Chicago Fire
20 Department show up sitting on our couch talking to
21 Beth about the assault that occurred that day
22 found out through the news.

23 Q Now I am going to kind of take you
24 through some of the treatment that was rendered in

1 the records. Sticking within say a week of the
2 incident, did you see anything unusual about Beth
3 that you had not seen prior to January 11th?

4 A She seemed to be more withdrawn more.
5 She wouldn't be active. Wouldn't be talking as
6 much.

7 Q Do you know whether or not she went back
8 to work at that point?

9 A No, she still has not -- she still did
10 not go back to work. I believe she was waiting on
11 Medical.

12 Q So what happens -- what do you see next
13 about Beth? I mean, do you guys try to go through
14 life as normal at that point?

15 A We do. She doesn't go out.

16 Q I am going back to just after the
17 incident.

18 A Yeah, she still wouldn't go out. She was
19 nervous. She seemed very scared of everything that
20 was going on. If there was a lot of noise in the
21 house, it upset her.

22 Q At some point did you try to get away, to
23 try to get away from the City, and see if that
24 would help?

1 A Yeah. A couple of months after the
2 attack, we attempted to go to Florida and just
3 clear everyone's minds of what occurred.

4 Q Why Florida?

5 A Beth's parents owned a home in Naples.

6 Q Did you have the children with you?

7 A Yes, both of them.

8 Q Anything unusual happen during this trip?

9 A The first day was good. The second day I
10 don't know what transpired but Beth -- she was
11 different and I found her in the bedroom trying to
12 take her own life. I had to rip pills out of her
13 mouth to try to stop her.

14 Q Did she have notes around her?

15 A There were a few notes to the children.

16 Q You being a firefighter, did you call
17 anyone at that point? Did you call an ambulance?

18 A We called an ambulance. The ambulance
19 came. The fire department came. They transported
20 her to the local ER. Where they were taking care
21 of her mental and her medical conditions as well
22 from what pills she took and the doctors there they
23 performed a Baker Act on her.

24 Q Is that basically an involuntarily

1 commitment?

2 A Yes, for a minimum of three days.

3 Q Did you stay in Florida or did you return
4 back to Illinois?

5 A Me and the children -- after they did the
6 Baker Act, me and the children returned back to
7 Illinois. I had to work and the children had
8 school.

9 Q Do you know if Beth stayed in Florida for
10 a period of time?

11 A After she was released from the facility
12 that she was transferred to due to the Baker Act,
13 she stayed for a day or two with her parents and
14 then her mother I believe flew home with her.

15 Q In the records, it indicates that you
16 were present at a lot of these meetings that took
17 place in the Medical Section; is that correct?

18 A That's correct.

19 Q Were you basically there to assist in
20 setting up the treatment for your wife?

21 A Yes.

22 Q I mean to try to find providers and
23 things?

24 A Yeah, I tried to find providers. What is

1 going on with my wife, there is not much resources
2 around this area for her condition.

3 Q Now in the records, it indicates I think
4 the first decision was to get her to a place called
5 The Refuge; is that correct?

6 A That was after -- yes, The Refuge. That
7 was provided and recommended to her from Park
8 Royal, which is the facility she was at in Florida,
9 and speaking with her therapist at the time he also
10 referred and recommended that she go to The Refuge
11 as well.

12 Q Had she been to Palos Hospital before
13 that or did that come after The Refuge, if you
14 recall?

15 A The first incident to Palos Hospital was
16 when everything came out and we knew everything.

17 Q Would that have been earlier?

18 A Yeah.

19 Q Like in February, I think?

20 A I believe so yes.

21 Q What happened with regard to that? Were
22 you involved in getting her hospitalized there?

23 A Yeah. I got a phone call at work that my
24 wife self-harmed and she needed help. So when I

1 arrived home, there was an ambulance, a chief and
2 five squad cars, at my house in the middle of the
3 night with my children awake.

4 My wife had self-harmed and we had to
5 contact the EAP and they helped us arrange for her
6 to be transported to Palos Hospital.

7 Q When you say you EAP is that the Employee
8 Assistance Program with the Chicago Fire
9 Department?

10 A Yes.

11 Q Were you having difficulty at that point
12 because they wanted to transport her to a Chicago
13 hospital, instead of Palos?

14 A Yeah.

15 Q Okay. So she ended up in Palos; is that
16 correct?

17 A Yes.

18 Q For how long, do you remember?

19 A I believe once again they did the
20 involuntary committal so a minimum of three days.

21 Q Just so we're clear, this is before the
22 Florida trip to try to get away from everything,
23 correct?

24 A Correct.

1 Q Who decided on The Refuge? I know you
2 just said that Park Royal recommended that. Was
3 that something that had to be approved by the City?

4 A We did have to go get approval from the
5 Medical Section in the City because it is out of
6 the City limits. But it is the only place that we
7 were able to find that treats and helps for PTSD.

8 Q Did you go with her to take her to The
9 Refuge the first time or did she go on her own?

10 A I flew down with her and we -- The Refuge
11 sets up where they have a driver pick the patient
12 up at the hospital. So once Beth was with them,
13 then she went on her way to the treatment center,
14 and I went back home, right back onto a plane back
15 home.

16 Q Beth remained there for a period of time;
17 is that correct?

18 A She remained there until insurance ran
19 out.

20 Q Were there insurance issues with the
21 completion of her stay there?

22 A Yeah. It was about 30 days I believe is
23 all the insurance granted. And then me talking
24 with our finance people, instead of just kicking

1 her out right away, I had to pay a couple of
2 thousands of dollars to get her to stay for a
3 couple of extra days for a discharge plan.

4 Q So she stayed a couple more days and then
5 she was discharged, correct?

6 A Correct.

7 Q What was the plan then once -- what was
8 the plan after her discharge?

9 A The plan was to continue therapy or find
10 a therapist for PTSD and continue treatment for the
11 PTSD with the therapist and psychiatrist.

12 Q And now there is a therapist,
13 psychiatrist or psychologist, Dr. Hoover. I think
14 it is Marlin Hoover?

15 A Correct.

16 Q Did you ever meet this person?

17 A Yes, once or twice.

18 Q Do you know how you or Beth found Dr.
19 Hoover to treat with?

20 A I believe he was one of the doctors at
21 the stay at Palos Hospital that they give.

22 Q Now as far as when she's going through
23 this, now she is back to Chicago, how was she --
24 what were your observations of how she was doing?

1 A After The Refuge, she seemed better and
2 then it was a roller coaster. There would be good
3 days, bad days. More bad days than good.

4 Q I am assuming the kids were at home; is
5 that right?

6 A Yes.

7 Q Did you have any help with the kids?

8 A Yes. My family or a lot of the time we
9 had to get a babysitter. Even when I was at work,
10 we would have a babysitter to help Beth out with
11 the kids. There would be certain things that Beth
12 wouldn't be able to do. Take them to school due to
13 the crowds, the noise, and just help out with them.

14 Q So it appears at some point when she gets
15 back, she also got referred to Timberline Knolls I
16 think the place is?

17 A Sounds about right.

18 Q Were you involved in that at all?

19 A No.

20 Q Leading up to June, I think there was
21 another incident in June. What was going on just
22 before her second stay at Palos as far as what you
23 could see, her behavior?

24 A She was very withdrawn. She wouldn't go

1 outside. Not talkative a lot. She would spend a
2 lot of time isolated. And then it got to her. You
3 know, she kept telling me the video constantly
4 plays in my head. The video constantly plays in my
5 head. And the video which I am referring to is the
6 sexual assault that was occurred on her back in
7 January.

8 Q So the records indicate that she is again
9 admitted on June 12th to Palos. Do you remember
10 that?

11 A Once again, I was at work. I got a phone
12 call. She told me I don't feel well. Can you
13 please come home. I came home. She had
14 self-harmed a few times on her leg and she just
15 said she just wants the video to stop. Can you
16 please take me to the hospital?

17 And that is when we called the ambulance
18 to come take her and we had to fight once again to
19 get her transported to Palos Hospital.

20 Q Because they wanted to take her somewhere
21 in the City; is that correct?

22 A Correct.

23 Q Was she admitted inpatient then at Palos?

24 A Yes.

1 Q Did you take her home? Were you the one
2 that picked her up then?

3 A Yeah. After her stay, yes.

4 Q What was the plan after that?

5 A I believe to find new therapists that
6 could help her better.

7 Q There was a therapist who was referenced
8 in the records Cody Todd. Do you know if that was
9 one of her first therapists?

10 A That was one in the middle, around the
11 June timeframe. She -- her specialty is PTSD for
12 first responders so we thought we found a good fit
13 by going to her.

14 Q Did it seem to work for a period of time?

15 A For a period of time.

16 Q Now in the records there is an indication
17 then, I think July 7, about an admission to the use
18 of heroine. Prior to getting married or up until
19 July 7th, did you ever know that Beth ever had
20 abused heroine earlier in her life I believe after
21 she got out of the military?

22 A No. No.

23 Q Okay. As far as you could see leading up
24 until this incident, had you ever seen Beth abuse

1 any type of prescription drugs?

2 A No.

3 Q Do you know whether she was even on
4 prescription drugs?

5 A No.

6 Q So what happens on July 7th?

7 A She called me at work and she told me
8 that she just did heroine. She wanted -- it would
9 stop the movie and she wanted help. So she
10 self-reported that she did it to me and that she
11 was at home when she did it.

12 Q So she was not caught or not arrested or
13 no overdose; is that correct?

14 A No. No. No.

15 Q To the best of your knowledge, and I
16 realize that you are not with Beth 24/7, was this
17 the only time that she used the heroine?

18 A Yes. She's very truthful and forthcoming
19 and for her to call me and tell me that, she would
20 have told me if there was something prior.

21 Q Now after this, then did that lead to
22 another trip back to Florida to go to The Refuge?

23 A Yeah. First we called Rosecrance and
24 they accepted her. And they gave her some

1 promises, that her service dog could be with her
2 and stay, and that she will be on the floor with
3 all firemen and paramedics.

4 That wasn't the case. They didn't
5 fulfill any of the promises. It was more of a jail
6 and prison to her. She needs her dog, her service
7 dog, to help her get through the day.

8 So I contacted The Refuge again. Talked
9 to the same finance person. They made contact with
10 the insurance company and they said that she could
11 come back to The Refuge.

12 So we went, signed her out of Rosecrance.
13 She had less than 12 hours home, we packed and me
14 and her got on a plane, flew her back down to
15 Florida.

16 Q This program at Rosecrance is that the
17 Florian Program I think they call it that is
18 basically --

19 A I believe so, yes.

20 Q She was never admitted into that program
21 as far as you know?

22 A No.

23 Q So she again went to The Refuge. She
24 then came home early; is that correct?

1 A Yes.

2 Q When she gets back home, what is she
3 doing as far as treatment?

4 A We found her a new therapist and a new
5 psychiatrist and she is with them still to this
6 day.

7 Q Okay. And that is -- I think it is Dr.
8 Sandhu, correct?

9 A Correct, that is the psychiatrist. Dr.
10 Heather Cody is her therapist.

11 Q Okay. So she still sees Heather Cody on
12 a regular basis?

13 A Yes.

14 Q As far as you can see is she consistent
15 with her appointments?

16 A Yes. The only time she would miss a day
17 is if the therapist was on vacation or sick.

18 Q Okay. Now throughout this time were you
19 trying to get back a sense of normalcy in your life
20 with the kids?

21 A Yes.

22 Q At some point did you try to take another
23 Florida vacation or a Florida cruise with Beth
24 alone?

1 A Yeah. We tried to go on a -- the past --
2 you know, since the attack, it's been rough. So
3 our kids, they have been through a lot, too, with
4 all this.

5 So we tried to give them a Disney cruise
6 vacation back in December of 2019. We flew down to
7 Miami. My wife Beth she made it maybe four hours.
8 She couldn't -- she couldn't do it. There was too
9 many people. She disassociated. She didn't even
10 realize she was in Miami anymore. She asked to go
11 back home. So she flew back home. She was picked
12 up by family members which then who stayed with her
13 for about the week.

14 She didn't want me and the children to
15 come home because she didn't want the vacation to
16 be ruined for them because they were excited to be
17 there.

18 Q Okay. As far as, in general I am talking
19 about, even now is there a difference between what
20 you guys would do socially now as opposed to prior
21 to January 11th?

22 A Yeah, prior to the attack, you know, we
23 could get in the car and go to the store. We could
24 do whatever we wanted to do. The children -- you

1 know, my wife would go to the kid's games. Now it
2 is completely different. We have to plan if we
3 want to go to the grocery store. You know, what
4 time of the day are we going to go? What store are
5 we going to, it depends on how many people are
6 around.

7 My wife she hasn't -- she maybe went to
8 one basketball game of my daughter's last year. It
9 is too loud. There is too many people. There is
10 whistles.

11 My son's hockey, the sound of the puck
12 hitting the boards in hockey is the same sound that
13 the back of the ambulance makes when it closes. It
14 brings my wife Beth back to being in the ambulance.

15 Q So there are good periods of time,
16 though, correct?

17 A There are, yes.

18 Q And then what happens? I mean, does the
19 sense of normalcy come back to your life?

20 A Yes, briefly. And then a noise will go
21 off. Or, you know, the sound of a siren from, you
22 know, an ambulance may put her into start not --
23 withdrawing from us or stop talking.

24 Q Does she seem to be doing better lately?

1 A Yes.

2 Q And, again, I know that there is these
3 records from this Amy Shanahan in the exhibits.

4 Did you ever meet Amy Shanahan?

5 A No.

6 Q Did you know that she was going to have
7 the EMDR with Amy Shanahan?

8 A Yes, I did.

9 Q Did that seem to help Beth a lot?

10 A It did.

11 Q How so? I mean, how would you know?

12 A Beth would tell me about it. She would
13 talk about, you know, what she went through and how
14 she feels after doing it.

15 Q Did you see noticeable changes that she
16 was definitely improving?

17 A Yes.

18 Q Does she still have a good relationship
19 with Dr. Sandhu?

20 A Yes, she still sees him.

21 Q And she still sees Heather Cody; is that
22 correct?

23 A Yes, at a minimum once a week.

24 Q In your opinion from what you could

1 observe yourself, does Beth seem to be putting
2 forth a lot of effort to get better so to speak?

3 A Absolutely. She is trying every day, you
4 know. She tries to brave going outside more. She
5 tries to brave going out. And she goes to every
6 appointment that she is given and she -- even
7 leading up to this, we setup where she went prior
8 to this and she also has an appointment after this
9 because she cares about taking care of herself and
10 the treatment.

11 Anniversaries, we get multiple
12 appointments with her therapists and we don't do
13 anything coming up to anniversaries or big dates
14 related to the attack.

15 Q But you are optimistic for the future
16 based on her efforts?

17 A Even though she's trying her -- she is
18 doing everything she can, there is still a lot of
19 unknowns out there that could occur. The site of
20 seeing an accident, being in a crowd of people, not
21 knowing who is there, there is a lot that goes into
22 it all.

23 MR. MARCONI: Okay. Vince, I don't have
24 anything else.

1 MR. PINELLI: Mr. President, should I
2 proceed or do you want to see if the trustees have
3 anything?

4 CHAIRMAN FORTUNA: I don't think anyone
5 has any questions.

6 MEMBER MCPHILLIPS: I have no questions.

7 CHAIRMAN FORTUNA: There are no questions
8 so please proceed.

9 MR. PINELLI: Okay, thank you.

10 EXAMINATION

11 BY MR. PINELLI:

12 Q I just have a quick question getting back
13 to the witness. Mr. Mazor, just a couple of quick
14 questions.

15 A Okay.

16 Q Sir, you said you got married in 2012?

17 A Yes.

18 Q How long did you know Beth before 2012?

19 A About a couple of a years.

20 Q Okay. Were you dating or did you just
21 know her during that two years?

22 A Dating.

23 Q Okay. And then how long has she had the
24 service dog?

1 A It would be her first trip to The Refuge
2 so that would be -- we are going on I believe three
3 years.

4 Q Okay. So it was after the incident that
5 for the first time --

6 A Oh, yeah, it was after the attack.

7 MR. PINELLI: Okay, that is all I have.

8 MR. MAZOR: Okay.

9 CHAIRMAN FORTUNA: Trustees, any
10 questions?

11 MEMBER MCPHILLIPS: No questions.

12 CHAIRMAN FORTUNA: No questions, Vince.

13 MR. PINELLI: Thank you.

14 Counsel, next witness.

15 MR. MARCONI: I call Beth Mazor.

16 MEMBER MCPHILLIPS: Good luck to you. Be
17 safe.

18 MR. MAZOR: Thank you.

19 MR. MARCONI: Just for the record, Vince,
20 do you want Scott -- do you want him out in the
21 hallway?

22 MR. PINELLI: Now that he's done
23 testifying, if he wants to sit in the room, he can.

24 MR. MARCONI: Scott, it's up to you, if

1 you want to sit in here.

2 He is going to take the service dog.

3 MR. PINELLI: Counsel, before you start,
4 of course, I will swear in the witness but I just
5 ask you to be mindful of the time here. As you
6 know, we always have a docket with a lot of other
7 business that the Board has to attend to. So we
8 appreciate, you know, whatever you can do to
9 streamline the presentation given the fact that the
10 Board has, you know, all of the exhibits and has
11 had the opportunity to review them.

12 MR. MARCONI: Right and I appreciate it.
13 That is why I wanted to call Scott first to kind of
14 lay a background. I don't intend to go over the
15 same things and be cumulative and repetitive.

16 MR. PINELLI: Thank you. We appreciate
17 that.

18 Ms. Mazor, could you raise your right
19 hand, please?

20 (Witness sworn.)

21 ELIZABETH MAZOR

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

24 EXAMINATION

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BY MR. MARCONI:

Q Ms. Mazor, how old are you?

A I just turned 41.

Q Just briefly, what is your education?

A I graduated high school, took a little bit of college, and then I was a licensed paramedic.

Q Military service?

A Yes, I was in the Army.

Q What did you do in the Army?

A I was a parachute rigger. A 92 Romeo.

Q Did you get hurt?

A I did. I broke my left hip on an airborne training.

Q Were you honorably discharged?

A Yes, I was.

Q Now, obviously, from your application, we know you're a paramedic; is that correct?

A Yes.

Q Was that your first paramedic job or did you have other experience being a paramedic?

A I had other experience prior.

Q Where did you -- just briefly, where did you work prior as a paramedic?

1 A Most of my time was spent at Buzz
2 Ambulance, which is a private ambulance that covers
3 13 cities in the south suburbs. I also worked for
4 Steger Estates Fire Department. And then for a
5 short time St. James Ambulance out of St. James
6 Hospital.

7 Q Is being a paramedic pretty much all you
8 have done since getting out of the military?

9 A Yes. It is all I know.

10 Q Do you remember -- I think the records
11 indicate that you went with the City fire
12 department was it like 2015?

13 A Yes. About then, yes.

14 Q Scott already testified that that is when
15 you moved into the city, correct?

16 A Correct.

17 Q Now as far as your assignments, I am
18 assuming you had multiple assignments; is that
19 correct?

20 A I had two basically. When I got on as an
21 FPM, I was assigned to Ambulance 74 out of Engine
22 13's house Downtown and then when I took the
23 promotion to PIC I was placed in South Relief.

24 Q What is a PIC?

1 A Paramedic in Charge.

2 Q How does that relate to just a regular
3 paramedic?

4 A It is a promotional. You're more in
5 charge of the ambulance, you are in charge of the
6 inventory, making sure everyone is safe and that
7 everyone goes home.

8 Q So you -- I showed you a copy of your
9 application that contains your affidavit; is that
10 correct?

11 A Yes, sir.

12 Q And everything in there is accurate; is
13 that correct?

14 A Correct.

15 Q I will just -- and partly this is due to
16 my fault the way I framed the questions to Mr.
17 Ortega, but the positioning within the ambulance
18 when this happened, and I am not going to go into
19 great detail, you started answering the question
20 regarding your hair. So can you just kind of
21 expound upon that?

22 A Sure. With the uniform, per policy, our
23 hair cannot touch our collars. As you see my hair
24 is very long. It was placed in a bun where it all

1 comes off the collar. Nothing is touching and it
2 is completely secured in the back.

3 Q All right. You were describing how this
4 individual, I think his name is Roy Hall, initially
5 grabbed your bun; is that correct?

6 A As it happened, he started to get
7 combative and I was trying to get away from him to
8 walk along the side.

9 At first he grabbed my radio strap and
10 that knocked me off balance because he pulled me
11 forward. After he pulled me forward, my knees were
12 on the ground and my body was laying over him like
13 my chest and up and then he grabbed a hold of my
14 bun because while you are laying in that position
15 you have free range of your hands and your arms.
16 He grabbed a hold of my bun. He then had control
17 over my head and he placed my head over his crotch
18 and then he began pushing my head down into his
19 crotch and telling me to suck his fucking dick.

20 I was trying to get away from him. He
21 started punching my in the ribs on my right side.
22 I was able to back away a bit and he still had my
23 hair.

24 Then he pulled my head over by his face

1 and he tried to get me to kiss him and he just
2 smelled like alcohol.

3 And then he tried to pull me more and
4 said just get up and bounce, bitch, you know what
5 to do.

6 And then I just -- he started going for
7 my neck and I just couldn't fight and I couldn't
8 scream. I couldn't do anything.

9 And then when we were coming, we hit the
10 curbing going into the Northwestern Hospital. And
11 it got him off me enough that I was able to at
12 least push away and start to stand up. He still
13 had the radio strap and he still had my hair.

14 My partner then knew something was going
15 on and he came in. He got him off the radio strap
16 and it ended up breaking the leather radio straps
17 that the City gives us.

18 And then the security guard was pulling
19 him off my hair and I could -- sorry. I could hear
20 the hair being pulled out of my head as he was
21 trying to get him off of me.

22 And that is pretty much -- I was able to
23 get free and I got out the side door and then they
24 brought the patient in and then it took a lot of

1 security guards to hold him down.

2 Q All right. Beth, you didn't return to
3 work after that; is that correct?

4 A That was my last day.

5 Q I am going to go through -- I don't think
6 you were here for Scott's testimony, correct?

7 A No.

8 Q So I am going to kind of just go through
9 some of the high points and not try to repeat what
10 Scott said.

11 The following next day there were people
12 that showed up from the fire department?

13 A Yes, sir.

14 Q To kind of help you and whatever; is that
15 correct?

16 A Yes, sir.

17 Q Did you try to just shake this off
18 initially?

19 A I thought -- I thought I'd be fine and I
20 would just get back to work.

21 Q I know from the records there was a
22 progression where I think that you weren't fine and
23 then I think it was February I think you ended up
24 being taken to Palos; is that correct?

1 A That is correct.

2 Q What was going through your head? I
3 mean, I know it was classified as a suicide attempt
4 but why?

5 A I had a friend over. We were
6 celebrating. She was actually getting into the
7 fire academy.

8 At the time I was smoking cigarettes. I
9 went outside to smoke and when I stood up I fell
10 and I hit my knee. The pain from my knee made
11 what -- I refer to it as the movie in my head
12 because I just kept on replaying the scene and
13 replaying the incident and thinking what I should
14 have done different to get out of it. And when my
15 knee hurt that -- those images stopped. But after
16 some time my knee stopped hurting so I took a knife
17 and I cut my hand trying to make pain so that I
18 didn't keep thinking about it.

19 Q And then, I mean, did somebody call an
20 ambulance then?

21 A Yes. I called a friend from the job. I
22 scared myself when I did that. It was very out of
23 character for me. I called a friend from the job
24 and she ended up calling the police, ambulance,

1 might have had a Field Chief there, I don't really
2 recall.

3 Q So you were released, correct?

4 A Yes.

5 Q So do you start treating with anyone
6 right away?

7 A Yes. From Palos Hospital, I was never
8 given a protocol of anything to do. Palos referred
9 me to a psychiatrist and a psychologist so I
10 started seeing Dr. Marlin Hoover, a therapist.

11 Q So now the Board has Dr. Hoover's
12 records. That is somebody who you treated with
13 initially; is that correct?

14 A That is correct.

15 Q And you have a good relationship with Dr.
16 Hoover?

17 A I love Dr. Hoover.

18 Q Was it your understanding that he had
19 diagnosed you with PTSD?

20 A Yes.

21 Q Had you ever had any -- from what -- your
22 military or your years between that any issues with
23 PTSD?

24 A No, sir.

1 Q Any issues with any of the symptoms that
2 you were experiencing after this incident?

3 A No.

4 Q Was this all more or less new to you?

5 A It was very new.

6 Q So I think you start seeing Dr. Hoover in
7 February. There is the trip, and the Board already
8 knows about, the trip to Florida. Your parents
9 live there or live there during the winter; is that
10 correct?

11 A Yes.

12 Q It was kind of a getaway; is that
13 correct?

14 A Yes, sir.

15 Q There was another issue that happens in
16 Florida. What possessed you to do that? I mean,
17 Scott testified there was an issue with regard to
18 pills.

19 A Yeah. The thoughts, the movie, the
20 events, it just didn't stop ever. It is all --
21 closed my eyes, it was there. I had my eyes open,
22 I slept, it was there. I was awake it was there.
23 I didn't want it to be there any more so I tried to
24 take my life by ingesting my own medicine.

1 Q Then Scott came in?

2 A Yeah. He found me like in the process of
3 it.

4 Q You were admitted again; is that correct?

5 A Correct.

6 Q Then you were involuntarily committed I
7 think, correct?

8 A Yes.

9 Q You remained there. You then stayed with
10 your parents; is that correct?

11 A Yes. Once I got released, yeah.

12 Q The records indicate then at some point
13 after that you go to Timberline Knolls. The
14 records indicate you left early. I just want to
15 give the Board a reason as to what -- an
16 explanation as to what happened there.

17 A Timberline Knolls is an eating disorder
18 center and they were not qualified. They did not
19 have the staffing to accommodate a trauma like
20 mine.

21 Q Was this the same -- I am thinking of
22 Rosecrance that has the Florian Program?

23 A That is Rosecrance does.

24 Q In your mind, you didn't think Timberline

1 was a good fit; is that correct?

2 A Correct.

3 Q Did you seek out other treatment?

4 A I did. The City recommended me to
5 Timberline Knolls. The City recommended me to
6 Insight, which was another eating disorder center.
7 I was told not to talk about my trauma there
8 because it would trigger the other clients.

9 The Florian Program is one I tried to
10 enter. They did not have the staffing to
11 accommodate my service dog. I had to be
12 accompanied by staff to go let my service dog out
13 to the bathroom, that was not fair to my service
14 dog.

15 And the reason for going to Rosecrance
16 was because they had the Florian Program there,
17 which is dedicated just to firefighter paramedics,
18 with staff that can treat the trauma and the same
19 that firefighter paramedics go through.

20 Q You were never put in that program; is
21 that correct?

22 A I never made it to it.

23 Q Now, with regard to Palos, there was a
24 second admission then; is that correct?

1 A Yes.

2 Q How long did you remain there?

3 A I think it was just a 72-hour hold, like
4 a three-day hold.

5 Q Why was that?

6 A I was having a very hard time.
7 Struggling. I was disassociating a lot where you
8 kind of -- you leave your body. You don't feel
9 real anymore. And I made a very large cut in my
10 leg to kill myself and to know that I was real.

11 Q Okay. And then how did you get there?
12 Via ambulance? Did somebody drive you there?

13 A Chicago picked me up, an ambulance, yes.

14 Q Okay. All right. You get out of Palos
15 for the second time and then where do you go? Do
16 you go into treatment right away?

17 A I don't -- when I went to Palos, it might
18 have been when I went to The Refuge.

19 Q Okay. I want to talk to you something
20 about, Scott brought it up a little bit, there is a
21 lot in the records about heroin use and some type
22 of substance abuse and I know that when you get
23 labeled then you have to go through certain
24 treatment. July 7, 2017, what happened?

1 A I was in Insight, the eating disorder
2 center, where I was told by my therapist that I
3 couldn't talk about my trauma in group. I was
4 backtracking. All my PTSD symptoms were getting
5 worse.

6 I also knew that to go into the Florian
7 Program you had to be dual diagnosis, which would
8 mean like depression and drugs or depression and
9 alcohol. PTSD, alcohol, drugs. So I bought
10 heroine and used it, self-reported.

11 Q To whom?

12 A To my husband and my family. And then I
13 was able to go seek more treatment.

14 Q Was this the only -- apart from when you
15 were younger, which is in the records that you
16 abused heroin I think when you were 15, 16 years
17 old, apart from that was this the only time that
18 you used heroin?

19 A Yes, it was the only time.

20 Q As far as your drinking is concerned, did
21 you regard yourself as a drinker back then? Do you
22 regard yourself as a drinker now?

23 A No, I do not. Did not, do not.

24 Q So after the self-report, did things then

1 change with regard to the Fire Department Medical
2 Section?

3 A Yes. I was taken off of a duty status
4 because of the drug use. They said that that was
5 not in correlation to the PTSD.

6 Q And then things started to change at that
7 point; is that correct?

8 A That is correct.

9 Q That is when you had these other tests
10 that -- from doctors that were hired by the City;
11 is that correct?

12 A That is correct.

13 Q Was that mainly focused on substance
14 abuse or was it focused on your PTSD?

15 A There was really no talk about the sexual
16 assault, the physical assault. Most of it revolved
17 around my drug abuse, drug use as a teenager, and
18 my relapse with the PTSD.

19 Q Okay. One of the things that are in the
20 records, and I just want to touch upon it --

21 Are we okay?

22 MR. PINELLI: You're okay, Just a brief
23 interruption. Go head, sorry about that.

24 BY MR. MARCONI:

1 Q Okay. I just want to touch about your
2 efforts to return back to work. Did you make -- I
3 will call them aggressive or some very -- make
4 strong efforts to get returned back to the job?

5 A I did. I tried very hard. It was really
6 all I wanted. Being a paramedic is my passion. It
7 is what I wanted to get back to.

8 Q Did you use the Union's resources and
9 assistance in trying to get back?

10 A I did. They were very helpful.

11 Q And were they pretty much aggressively
12 trying to help you out?

13 A Yes, they were.

14 Q Did you try to seek an accommodation with
15 the City to at least get you back, maybe not on an
16 ambulance, but to get you back working to see if
17 you can handle an ambulance?

18 A Yes, sir. I was told about the
19 reasonable accommodation process through the ADA
20 that could place me in a position other than EMS in
21 an ambulance. So I filled out the reasonable
22 accommodation paperwork.

23 And then I was told that if I could get
24 my Lead Instructor certification, I could go into

1 the MARC Division on my reasonable accomodation.

2 I went down to Southern Illinois and I
3 completed the class. Passed the class. When I
4 brought that back down to Medical, they said that
5 they would not waive the five years needed to get
6 into the MARC Division and were not honoring my
7 accommodation paperwork.

8 Q So at that point none of your doctors had
9 released you back to full duty in an ambulance; is
10 that correct?

11 A Correct.

12 Q Then according to the records, there came
13 a time where I think they said your year is up and
14 they wanted you to basically sign a resignation; is
15 that correct?

16 A That is correct.

17 Q Did you refuse?

18 A I refused.

19 Q As far as you know is there currently
20 still a grievance regarding your involuntarily
21 separation from the fire department?

22 A Yes, there is.

23 Q Getting back to the reasonable
24 accommodation, after this happened with regard to

1 the involuntary separation, then there was no light
2 duty or there was no accommodations at that point;
3 is that correct?

4 A There was nothing.

5 Q Now despite this, you did finish the
6 program at Rosecrance that was requested by the
7 City; is that correct?

8 A Yes.

9 Q Were you hopeful -- were you following
10 all of the conditions that were made by the
11 Department in order to come back?

12 A I was.

13 Q And did they give you some hope that you
14 would come back? I think you had to wait a year of
15 absence; is that correct?

16 A Yes.

17 Q Did they wait that full year of absence?

18 A Yes.

19 Q And they would not take you back?

20 A They would not. I was one month from the
21 one year that they were looking for.

22 Q So you didn't make the one year?

23 A I did not make the one year.

24 Q That was not through your fault, that is

1 because the Department --

2 A Correct.

3 Q -- had let you the go?

4 A Correct.

5 Q Now as far as there is -- I think there
6 is a misstatement throughout the records. In a lot
7 of the reports, they refer to Dr. Gokhale; is that
8 correct?

9 A Yes.

10 Q And I think that he's even in some of the
11 -- I will call them title pages in the Board's
12 records. You have never seen a Dr. Gokhale; is
13 that correct?

14 A I have not.

15 Q But Dr. Sandhu; is that correct?

16 A That is correct.

17 Q And I think that Tracey Bilut, who is
18 their independent contractor, I think correctly
19 identified those records. That is your treater;
20 right?

21 A Yes, that is correct, he is my doctor.

22 Q Dr. Gokhale was never your treating
23 physician. It was always Dr. Sandhu.

24 A Correct.

1 Q Now, I asked Scott a little bit about Amy
2 Shanahan. I just want to briefly touch on her.
3 She was a therapist but she was a very specialized
4 therapist; is that correct?

5 A That is correct.

6 Q What did she do?

7 A EMDR.

8 Q And do you want to say it or do you want
9 me to say it?

10 A You can say it. I get it jumbled.

11 Q Is it the Eye Movement Desensitization
12 and Reprocessing?

13 A That is it.

14 Q From your perspective, what were you
15 doing with Amy Shanahan that seemed to help you
16 with the PTSD?

17 A With EMDR, it takes memories that are
18 stuck, as in with PTSD, and it files them into
19 proper things. It uses bilateral stimulation to
20 activate the right and left hemisphere of the
21 brain. So I would hold paddles that vibrated from
22 left to right while thinking of an event and how
23 that event made me feel and we would work through
24 it and process it until I took the power back over

1 that event.

2 Q And just so it's clear, I mean, it wasn't
3 just solely about the incident that happened on
4 January 11th. There was other things in your
5 childhood that would come up as well that you were
6 working on those, too; is that correct?

7 A Yes.

8 Q Did that form of treatment seem to help?

9 A Yes. The EMDR was very beneficial.

10 Q Are you currently doing that right now?

11 A I am not. Amy and I -- I have what is
12 called graduated EMDR. I have come to the end of
13 how she feels she can help me. You know, I still
14 have PTSD but I am much more capable of dealing
15 with it and handling any kind of triggers or stress
16 responses because of the EMDR. I am welcome back
17 at any time, if I have a reoccurrence of symptoms.
18 Yes.

19 Q Do you feel like you have made a lot of
20 progress with this type of treatment?

21 A Yes, it was very good progress.

22 Q And then to supplement this treatment,
23 the records indicate that you have been treating
24 with Heather Cody I believe?

1 A That is correct.

2 Q How long have you been treating with
3 Heather Cody?

4 A Been two and a half, three of the years,
5 it's been a long time.

6 Q Heather Cody is that basically talk
7 therapy; is that correct?

8 A Yes.

9 Q How frequently do you see Heather Cody?

10 A It depends. Normally it is once a week,
11 but if we are coming up to like an anniversary, the
12 anniversary of the assault, suicide attempt
13 anniversary or any City related incidents, we might
14 have two appointments a week just to make sure I'm
15 okay. Like I have an appointment -- I had one
16 Wednesday and I have one tomorrow following today.

17 Q In the records, it clearly indicates just
18 the whole Pension Board process -- it looks like
19 this was -- maybe I wasn't involved yet. You
20 thought it was going to go to a hearing a while
21 back?

22 A Correct.

23 Q And that would cause additional stress or
24 whatever?

1 A Yes. Correct.

2 Q That is the fear of the unknown?

3 A Yes.

4 Q So what is your -- the Board has a lot of
5 your records, okay. But what is your current
6 intention? I mean, what are you trying to do now
7 to help yourself, to get back to work, to do
8 something? I mean, once this process, this pension
9 process, is over.

10 A I am -- I will never quit. I am going to
11 continue working towards overcoming the assault and
12 PTSD. I still plan to press through with the
13 grievance on the City. Hopefully, one day I will
14 be returning back to work.

15 Q So you feel like you have made strides in
16 the last year more so with Amy Shanahan?

17 A Yes.

18 Q And you have learned now at least how to
19 deal better when symptoms arise?

20 A Yes.

21 Q This is not the first time you testified
22 about the attack; is that correct?

23 A That is correct.

24 Q Did you go through a criminal trial where

1 you took the witness stand in front of a jury and a
2 judge?

3 A Yes.

4 Q And went through it, correct?

5 A Yes.

6 Q And were cross examined?

7 A Yes.

8 Q And as far as people at work, especially
9 the Union, do you feel that they were supportive of
10 you?

11 A They were very supportive.

12 MR. MARCONI: Vince, I don't have
13 anything else.

14 MR. PINELLI: Okay. Mr. President?

15 CHAIRMAN FORTUNA: Trustees, any
16 questions?

17 MEMBER MCPHILLIPS: No questions.

18 CHAIRMAN FORTUNA: Hearing none, Vince.

19 EXAMINATION

20 BY MR. PINELLI:

21 Q I have a few questions, Ms. Mazor.

22 A Sure.

23 Q The record shows that you -- I think you
24 testified you entered in 2015, but the records we

1 have show September 16th of 2014. Would you defer
2 to those records as far as the actual date?

3 A I had an entry date that should have been
4 in '14. I was injured originally at the academy
5 and I was recycled in a secondary academy.

6 Q Okay. So that happened in '15 then by
7 the time you graduated?

8 A I believe so.

9 Q Prior to coming on the Department, you
10 mentioned you had some history of drug abuse --

11 A Yes, sir.

12 Q -- in your early years. How about
13 treatment for mental health conditions? Did you
14 have any of that before you came on the Department?

15 A I was never treated specifically for a
16 mental health condition as far as with a therapist
17 or a psychiatrist. I did visit my primary care
18 physician to deal with some seasonal depression as
19 well as difficulty sleeping that was causing a bit
20 of anxiety around bedtime with the lack of sleep.

21 Q Okay. You went off paid layup time
22 sometime in 2017, based on the records I have seen.
23 Does that sound right?

24 A Yes, sir. When I went to The Refuge --

1 I'm sorry, were you still talking?

2 Q I was. I was just trying to lay a
3 background. So I just wanted to establish you went
4 off paid leave in 2017, correct?

5 A Yes, sir.

6 Q And then you didn't apply for this
7 disability benefit until March 21st of 2019,
8 correct?

9 A Yes, sir. Correct.

10 Q Can you tell us why you delayed applying
11 for this benefit?

12 A The original time that I was taken off of
13 my duty status is when I went to The Refuge in
14 Florida. Because of the City's policy that we
15 cannot leave the state nor the City while we are
16 injured, I had to have special clearance through
17 the Medical Division to go. In that, the
18 stipulation was that I had to sign myself non-duty
19 and then when I returned I would come back to a
20 duty status.

21 And then as for waiting so long, on my
22 last day with the City, I was very confident that I
23 was going to be let back to work. I had worked
24 very hard to come back and I was not given that

1 opportunity. Being a paramedic is all I know.
2 It's my passion. And I could not walk away from
3 the job without trying. So I went back to an old
4 job to try to rehab to see if I could do it and I
5 found out that I couldn't and that is when I put
6 the application in.

7 Q So you are referring to your job at the
8 Steger Estates Fire Department or District?

9 A Yes, sir.

10 Q And then you also worked at Navy Pier
11 part-time, too?

12 A That is correct.

13 Q And you're saying that you did both of
14 those to try to get your skills and your work back
15 to see if you could do full-time paramedic work?
16 Is that why you did those jobs?

17 A Yes. I could not have walked away from
18 my career by the City telling me that I couldn't
19 come back to work. This is all I know.

20 Q Why did you leave those positions, those
21 two positions?

22 A The anniversary came up in January. The
23 anniversary has always been rough. It always comes
24 with an increase in my PTSD symptoms. When that

1 anniversary came about, that is when I -- I just --
2 I was not ready to come back.

3 Q Okay. Now were the job duties as
4 paramedic that you did for those two jobs similar
5 to what you do in your paramedic job with the City?

6 A When I worked at the Navy Pier, I was an
7 EMT. I was a lower level of care. Very quiet,
8 especially during the winter, because it is
9 shutdown for the most part.

10 Steger Estates I was a paramedic. They
11 are a very, very small, maybe a mile or two
12 district, and we run very few calls a year. We
13 don't have the workload that Chicago has.

14 Q And the grievance you filed with the
15 City, that is -- the grievance part is over. It is
16 now pending an arbitration hearing; is that
17 correct?

18 A I don't know too much about the process
19 but I believe that is.

20 Q Have you been told anything about when
21 that might happen?

22 A No.

23 Q Okay. It sounds like from your testimony
24 that your symptoms related to the PTSD have gotten

1 better from right after the incident. Would you
2 agree with that?

3 A From right after the incident, yes.

4 Q And are you currently working?

5 A No, sir.

6 Q What is the last job that you had worked?

7 A Steger Estates in -- was it '19? 2020
8 was coronavirus.

9 Q You mentioned this attempt --

10 CHAIRMAN FORTUNA: Vince, I have a
11 question, please.

12 MR. PINELLI: Sure.

13 CHAIRMAN FORTUNA: Do you currently have
14 a paramedic license?

15 MS. MAZOR: I do.

16 CHAIRMAN FORTUNA: Okay. Thank you.

17 BY MR. PINELLI:

18 Q You mentioned that attempt for the
19 accommodation and I didn't understand what you said
20 about the five year requirement for the program.
21 Could you just explain to me what that requirement
22 is and how close you were to having it?

23 A There is a list of a few requirements to
24 enter into like the MARC Division. I believe you

1 had to possibly be A PIC. You had to have five
2 years on-the-job and you had to have the Lead
3 Instructor or some sort of background in teaching.
4 And at the time I was maybe approximately three
5 years on the job.

6 Q Three years as -- on the job total versus
7 three years as a PIC?

8 A Correct. Three years in total.

9 MR. PINELLI: Okay. Thank you, that is
10 all the questions I have at this time.

11 CHAIRMAN FORTUNA: Trustees, any
12 questions?

13 MEMBER MCPHILLIPS: No questions.

14 CHAIRMAN FORTUNA: Hearing none, Vince.

15 MEMBER TEBBENS: I have one question.
16 The status change from duty to non-duty you said
17 that was so you could seek treatment out of state;
18 is that correct?

19 MS. MAZOR: That is correct. Chief of
20 Medical made me sign to go non-duty out-of-pocket
21 so that I could leave the state for adequate
22 treatment.

23 MEMBER TEBBENS: And you are claiming the
24 statement was made that you would be returned to

1 duty status when you would return?

2 MS. MAZOR: That is correct. There was
3 even paperwork on it.

4 MEMBER TEBBENS: You have documentation
5 to support that and conversations?

6 MS. MAZOR: Yes, sir.

7 MR. MARCONI: It is in your exhibits. I
8 did see that I think in the Medical Section notes.

9 MEMBER TEBBENS: Okay.

10 MR. PINELLI: Any other questions?

11 CHAIRMAN FORTUNA: No more questions.

12 MR. PINELLI: Jerry, no rehabilitation?
13 Can we move to the doctor?

14 MR. MARCONI: Yes, sir.

15 MR. PINELLI: Then you rest your case at
16 this point?

17 MR. MARCONI: I do.

18 MR. PINELLI: Then I would call Dr. Samo
19 to testify. Doctor, could you raise your right
20 hand?

21 (Witness sworn.)

22 DANIEL SAMO, M.D.

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

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EXAMINATION

BY MR. PINELLI:

Q Sir, state your name for the record.

A Daniel Samo.

Q You're a physician; is that correct?

A Yes.

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

A Yes.

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

A Yes.

Q Did you follow that procedure with respect to Ms. Mazor?

A Yes.

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

A Yes.

Q Doctor, first of all, before you wrote your report, was Ms. Mazor sent for an independent medical exam?

A Yes.

Q And by whom was she sent?

1 A By the Board.

2 Q And who did she see?

3 A She saw Dr. Stevan Weine.

4 Q Are you familiar with Dr. Weine and his
5 qualifications?

6 A Yes.

7 Q Just generally, what are his main
8 qualifications to do this IME?

9 A Well, Dr. Weine is a psychiatrist at
10 NorthShore. He is very much involved in trauma,
11 PTSD, stress. He's known worldwide. He travels to
12 war zones to work with victims of trauma and war
13 trauma and rape and all those sorts of things. He
14 does research in this area. He is highly, highly
15 qualified in this area.

16 Q Did he issue a written report to the
17 Board that is marked as Board Exhibit Number 3?

18 A Yes.

19 Q Can you briefly -- because I know it is a
20 long report, but could you summarize your
21 understanding of what his findings were after he
22 did his IME?

23 A He found that, I will just go to his
24 diagnoses, that she had major depression which was

1 resolved. She had opioid use and that was also
2 resolved. She had ADHD and that is from childhood.
3 She had PTSD which was still present but improved
4 but really thought she had more stress related
5 symptoms of hypervigilance and avoidance.

6 And he felt basically that she would not
7 be able to perform as a paramedic in the fire
8 department.

9 Q Did he do an in-person examination of
10 her?

11 A Yes.

12 Q Now after you received that report, then
13 did you do your own examination of her?

14 A Yes.

15 Q And your report is also marked as Board
16 Exhibit Number 2; is that correct?

17 A Correct.

18 Q Doctor, with respect to your findings,
19 did you agree or disagree with Dr. Weine's
20 findings?

21 A I agreed. I thought that the review of
22 records was similar to mine and findings were
23 similar to mine and I also was of the opinion that
24 she would not be able to function as a paramedic.

1 Q Your exam of her was on August the 6th of
2 2019 per the report?

3 A Yes.

4 Q At that time was she manifesting any
5 symptoms that you -- or reporting any symptoms to
6 you that were consistent with that diagnosis and
7 treatment?

8 A Oh, yes. She had multiple symptoms.
9 Depression, anxiety, hypervigilance, flashbacks,
10 nightmares, the whole litany of PTSD symptoms.

11 Q Now did you also prior to today's date
12 review some additional records that were provided
13 to the board, Board's Exhibits 18, 19 and 20, of
14 more current treatment of her since the time you
15 had examined her?

16 A Yes.

17 Q And what did those records indicate to
18 you at all about her condition as it existed after
19 the time you examined her?

20 A As she stated, her therapy, the eye
21 movement technique, really seemed to help her
22 significantly. Her symptoms had improved a lot.
23 However, she still was having a significant amount
24 of symptomatology. Although she was improved, she

1 was still having a lot of problems.

2 The last visit with the psychiatrist was
3 January 11th of '21 and from Ms. Cody on February
4 17th.

5 Ms. Cody had also done a PTSD checklist.
6 It is called a PCL-5. She scored 33 on that. The
7 cutoff for where they say it is probable PTSD on
8 this test is between 31 and 33. So still having a
9 significant number of symptoms.

10 MR. PINELLI: Thank you, doctor, that is
11 all the questions I have at this time.

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

14 MEMBER MCPHILLIPS: No questions.

15 MR. PINELLI: Mr. Marconi, any questions
16 for the doctor?

17 MR. MARCONI: Just a couple.

18 EXAMINATION

19 BY MR. MARCONI:

20 Q Dr. Samo, it sounds like we share the
21 same opinion of Dr. Weine. But in addition to what
22 Vince brought out, and I think it is through INSPE,
23 Dr. Weine does evaluate a lot of police officers
24 and firefighters for claims of PTSD, correct?

1 A Yes.

2 Q This isn't like new for him in terms of
3 coming and submitting a report to a pension board?
4 He does a lot of pension work?

5 A He does a lot of pension work. Again,
6 mostly -- it is all psychiatric and a lot of that
7 is PTSD.

8 Q I was looking in the exhibit. I think
9 his CV is about 32 pages long. So he's eminently
10 qualified worldwide to give opinions about PTSD?

11 A Yes.

12 MR. MARCONI: Thank you.

13 MR. PINELLI: No further questions on
14 that.

15 CHAIRMAN FORTUNA: Thank you.

16 MR. PINELLI: The applicant having rested
17 and that being the conclusion of evidence in this
18 matter at this time.

19 MEMBER MURPHY: Mr. President, I'd like
20 to make a motion to go into executive session
21 pursuant to Sections 2(c)4 and 2(c)11 of the Open
22 Meetings Act.

23 MEMBER MCPHILLIPS: I will second that
24 motion.

1 CHAIRMAN FORTUNA: There is a motion by
2 Trustee Murphy, seconded by Trustee McPhillips, to
3 go into executive session.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 (Whereupon, the Board went into
22 executive session off the record.

23 No action was taken in Executive
24 Session.)

1 MEMBER MURPHY: Mr. President, based on
2 the recent evidence and testimony, I would like to
3 make a motion to defer until next month.

4 MEMBER MCPHILLIPS: Second.

5 CHAIRMAN FORTUNA: There is a motion to
6 defer by Trustee Murphy. Seconded by Trustee
7 McPhillips.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 It is moved until next month. It is

1 deferred.

2 MR. PINELLI: Mr. Marconi and Ms. Mazor,
3 the record is closed as you know. The Board has
4 decided since there is a lot of material here to
5 defer the matter, review everything, and then they
6 would vote at the next board meeting, which would
7 be our May meeting date, the third Wednesday of the
8 month. Okay?

9 MR. MARCONI: Okay.

10 CHAIRMAN FORTUNA: Thank you.

11 MR. MARCONI: Thank you.

12 MEMBER MURPHY: I'd like to move on to
13 Item 5, Approval of the Board Physician Reviews for
14 the Disability Recipients. I'd like to approve the
15 Board physician's recommendations for reviews.

16 MEMBER MCPHILLIPS: Second.

17 CHAIRMAN FORTUNA: There is a motion by
18 Trustee Murphy. Second by Trustee McPhillips.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee

24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.

2 CHAIRMAN FORTUNA: Trustee Soni.

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Trustee McPhillips.

5 MEMBER MCPHILLIPS: Yes.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: Trustee Valencia.

9 MEMBER VALENCIA: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Moving on to Item 6, the
13 Investments. I would like to turn this over to
14 Lorna, who will walk us through the Investment
15 Agenda.

16 MEMBER SONI: I have to leave, I
17 apologize. I just wanted to let the Board know.
18 Thank you.

19 MEMBER MURPHY: Very good.

20 MS. BOECKMAN: Thank you, Trustee Soni.

21 MS. SCOTT: Given the time, I am going to
22 keep my investment update somewhat short. There
23 are four items on the Agenda.

24 The first item is the Investment Report,

1 that primarily covers performance. Very briefly,
2 year-to-date the Fund is up 3.8 percent. It is
3 ahead of its benchmark by 0.3 percent. It is a
4 really good start to the year.

5 Brady will be doing his quarterly review
6 next month so I will leave the performance
7 discussion until then.

8 The next item on the Agenda is the
9 Security Lending Report and again that report is
10 there for your review. Generally no concerns. We
11 are diversified across a number of borrowers and we
12 have received the appropriate level of collateral.
13 Again, no issues with securities lending.

14 The third item is the Investment
15 Consultant Search. As a reminder, we issued a RFP
16 back in January for an Investment Consultant and
17 that was really due to the expiration of Callan's
18 consulting contract.

19 We had six firms respond. Those firms
20 were Callan Investment Performance Services,
21 Marquette, Meketa, NEPC and Verus. None of these
22 firms are qualified MWDBE firms.

23 The goal today is to narrow those six
24 responses to three finalists and those finalists

1 would present at an Investment Committee meeting in
2 May. That meeting will probably last two to three
3 hours and it will be scheduled before the board
4 meeting.

5 Looking at the finalists, I have shared
6 my views. I have shared notes on these firms. In
7 summary, I could work with all of these firms and
8 all of these firms would provide a solid level of
9 investment consulting advice and client services to
10 the Fund.

11 Based on my observation of how trustees
12 have worked and interacted with the consultant in
13 the past, at this first level of review I really
14 focused on the consultant's Chicago presence, their
15 experience with Illinois clients, their progress
16 toward MWDBE and their workforce and the level of
17 fees that they are charging.

18 So the firms that rise to the top, based
19 on this criteria, are Callan, Marquette and Meketa.

20 So with that, I am looking for a motion
21 to bring these three firms forward, unless there is
22 any questions.

23 CHAIRMAN FORTUNA: Is there a motion?

24 MEMBER MCPHILLIPS: I will make that

1 motion.

2 MEMBER NANCE-HOLT: Second.

3 CHAIRMAN FORTUNA: Motion by Trustee

4 McPhillips. Seconded by Trustee Holt.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Holt.

8 MEMBER NANCE-HOLT: Yes.

9 CHAIRMAN FORTUNA: Trustee

10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee McPhillips.

13 MEMBER MCPHILLIPS: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: Trustee Valencia.

17 MEMBER VALENCIA: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MS. SCOTT: One more item is our cash

21 needs. Marc, if you want to share your screen and

22 I will turn it over to Jackie to layout our cash

23 position.

24 MS. VLAHOS: As we can see for our cash

1 needs as of April 20, 2021, we currently have a
2 balance of \$164 million in our Chase account.

3 Basically, that is due to we have this
4 other source of funding coming that the City has
5 contributed to us in order to makeup the difference
6 of the City tax receipts so they don't have to have
7 the taxes as high.

8 We received both, two distributions, for
9 the other sources of income from them of
10 \$61 million in the last couple of weeks bringing us
11 to \$164 million.

12 We anticipate one more salary
13 contribution by the end of the month of
14 \$1.8 million bringing us to total cash available of
15 \$166 million.

16 Our benefits this month are slightly
17 higher. I'd say about \$5 million higher than
18 normal because we are anticipating paying out the
19 Retros. We have \$36 million in benefit payments
20 and then with our Refunds or Death Benefits
21 bringing us to a total that we will payout at the
22 end of April of \$38.2 million.

23 After we make our payments, we will be
24 left with a surplus at the end of April of

1 \$127.8 million in our Chase.

2 Normally we invest in Fidelity, but right
3 now, with discussions with the City, we're leaving
4 it in a Chase vehicle right now because they are
5 getting 5 basis points versus Fidelity right now is
6 only returning 1 basis point on our money.

7 If you go to the next page for our cash
8 flows, as you can see, as we already anticipated,
9 due to the higher employer contributions, we should
10 have no drawdowns for the remainder of 2021 or 2022
11 as long as we get the tax receipts in like we
12 anticipate in that first column where it says
13 "Average Tax Receipts".

14 As you can see towards the bottom, the
15 average tax receipts, we have a total of
16 \$139.9 million remaining to be collected. And I
17 think for the total year we are supposed to receive
18 I think around \$372 million. We currently have
19 received 62 percent of what we are due from the
20 City which is a really great number.

21 If anyone has any questions, I am trying
22 to keep it short for you.

23 I think Lorna might discuss a little bit
24 more about taking a little bit of that money that

1 we have and maybe investing it somewhere else to
2 get a little bit higher of a return.

3 MS. SCOTT: On the rebalancing template,
4 this first column shows our allocation as of April
5 19th. At the very bottom of the first column, you
6 can see we have \$800 thousand of cash at Northern.

7 Jackie had said she has a balance of
8 \$127 million after April payments.

9 So on the template, what I am proposing
10 doing, if we transfer \$30 million over from Chase
11 and we will keep \$15 million in the Northern STIFF
12 Fund, which gives us a slight overweight to cash
13 but still within our target. Then we will transfer
14 \$15 million to the Earnest Short Duration Fund.
15 And this transfer would then true-up our fixed
16 income exposure. It keeps our cash liquid. So the
17 cash will be there to make benefit payments towards
18 the end of the year.

19 If we look at the last column, the
20 variance, this compares our asset allocation versus
21 where we would be after the transfer. You can see
22 within equities, we will be slightly overweight but
23 above target in public equities, but that is offset
24 by an underweight or under target in private equity

1 so in line around the equities.

2 Then you can see we are under target in
3 real assets and liquid diversifying but broadly
4 across the asset allocation. After this we are
5 still going to be within our asset allocation
6 ranges.

7 If there are no questions, I would be
8 looking for a motion to investment \$15 million with
9 Earnest in their Short Fund.

10 MEMBER MCPHILLIPS: I will make the
11 motion.

12 MEMBER MURPHY: Second.

13 CHAIRMAN FORTUNA: There's a motion to
14 accept by Trustee McPhillips. Seconded by Trustee
15 Murphy.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Holt.

19 MEMBER NANCE-HOLT: Yes.

20 CHAIRMAN FORTUNA: Trustee
21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee McPhillips.

24 MEMBER MCPHILLIPS: Yes.

1 CHAIRMAN FORTUNA: Trustee Tebbens.

2 MEMBER TEBBENS: Yes.

3 CHAIRMAN FORTUNA: Trustee Valencia.

4 MEMBER VALENCIA: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MS. SCOTT: That concludes the Investment
8 Report.

9 CHAIRMAN FORTUNA: Thank you, very much.

10 MEMBER MURPHY: Moving on to
11 Expenditures. Administrative Expenses for Board
12 Review. I'd like to make a motion to approve as
13 presented.

14 MEMBER MCPHILLIPS: Second.

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

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Holt.

21 MEMBER NANCE-HOLT: Yes.

22 CHAIRMAN FORTUNA: Trustee
23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Mr. President, moving on
10 to Legislative Updates. Sarah, would you please
11 proceed?

12 MS. BOECKMAN: Absolutely. Thank you.

13 Good morning, everyone, or rather good
14 afternoon.

15 For the legislative update, you do have
16 the report from your lobbyist Brandon Phelps
17 included in your board portal.

18 I did speak with Brandon this morning.
19 He said nothing is really moving at this point. It
20 is the deadline for the third reading on all bills
21 today. He also indicated that Budget negotiations
22 have started so there seems to be a little bit of a
23 shift to discussing the upcoming Budget.

24 He said he would continue to update us.

1 I will let you know if anything starts to move off
2 of that list that was provided in his report but as
3 of right now he doesn't see anything moving.

4 That is all, unless anyone has any
5 questions I am happy to report back to Brandon.

6 MEMBER TEBBENS: I have a question. Do
7 we have an impact statement on the cost of House
8 Bill 2451? Do we know what the cost is on that?

9 MS. BOECKMAN: We did not prepare an
10 impact statement, Trustee Tebbens. We don't
11 normally do that, unless there is a specific
12 request from a legislator or a group and then we
13 obviously review the cost of preparing that report
14 and whether or not it is prudent and whether or not
15 we need to come back to the Board and get approval
16 to do so, but we have not done a cost impact study
17 at this point.

18 MEMBER TEBBENS: We will ultimately be
19 able to determine that cost based on an annual
20 calculation based on an ARC formula, aren't we?

21 MS. BOECKMAN: Correct, yes.

22 MEMBER TEBBENS: When would we have that
23 information, based on the natural occurrence of
24 when that ARC calculation is calculated?

1 MS. BOECKMAN: It would be my
2 understanding that would be something that the
3 actuaries are looking at as part of their report
4 right now. The actuaries are working right now,
5 along with your auditors, to prepare numbers that
6 they need to get over to the City so that the City
7 can determine what its required contribution is for
8 the prior year and then the go-forward year.

9 I would anticipate that the actuaries are
10 looking at that cost as we speak. I can confirm
11 with them but it would be included as part of their
12 analysis.

13 MEMBER TEBBENS: Within their normal
14 course of calculating it, would they be able to
15 identify that piece for us so we know specifically
16 what that piece cost is?

17 TRUSTEE MCPHILLIPS: I think we better
18 ask.

19 MS. BOECKMAN: I don't think that is
20 something they normally would do, Trustee Tebbens.
21 It is going to be a final number but I can go to
22 them and ask if that is something that they can
23 segregate so the Board is aware of what that is.

24 MEMBER TEBBENS: I would like that

1 segregated. If we needed a motion to effectuate
2 that, I would like that, but I think it's important
3 that we have that segregated.

4 MS. BOECKMAN: Right now I don't think
5 there is any motion necessary. If for some reason
6 they indicate that it would be an added cost, which
7 I don't anticipate, but if there is an added cost I
8 will let you know and if we need to get further
9 Board approval to move forward but I don't
10 anticipate that being the case.

11 MEMBER TEBBENS: Again, you would
12 anticipate that this normally would be done -- we
13 would have an answer to that question about when?

14 MS. BOECKMAN: They are working on the
15 report right now so they can get numbers over to
16 the City. They normally do preliminary numbers
17 mid-May. Those numbers then being finalized at the
18 end of May, early June. So I would anticipate it
19 would be consistent with that timeline.

20 I can ask them if this is something that
21 they can kind of push a little bit earlier but that
22 is the normal timeline for them preparing their
23 report and getting those numbers to the City.

24 MEMBER TEBBENS: Okay. If it is just

1 through their normal course, if they could juggle
2 that around as one piece before the other piece,
3 and it doesn't interfere with their normal
4 operation, that would be great. June is what
5 you're saying is what you anticipate?

6 MS. BOECKMAN: It is but I will ask them.

7 MEMBER TEBBENS: Very good. Thank you, I
8 appreciate it.

9 MS. BOECKMAN: Absolutely.

10 MEMBER MURPHY: Legal update.

11 MS. BURNS: There is nothing new. This
12 is a good thing that there are no cases. No cases
13 other than the Underwood case still pending.

14 Thank you, sir, but nothing new to
15 report.

16 MEMBER MURPHY: Moving on to Item 10, the
17 Interim Executive Director's Report, Sarah.

18 MS. BOECKMAN: Thank you. I just have a
19 few things to report today.

20 The first is in relation to the May
21 meeting. Unfortunately, there are several
22 scheduling conflicts amongst Trustees for the
23 current scheduled May meeting.

24 I will be contacting you with some dates

1 to confirm rescheduling that meeting. If you could
2 be on an alert for an email from me in the next
3 week, I would appreciate that.

4 The second item is with respect to a
5 Callan education opportunity. Lorna sent me some
6 materials. It is included in Boardvantage. It
7 takes place July 19th through 21st.

8 You can attend virtually so this is a
9 good opportunity, to the extent it interests
10 Trustees, to meet your eight hours of fiduciary
11 training that you are required to accomplish on an
12 annual basis.

13 If you have any questions, please don't
14 hesitate to reach out to me or Lorna with respect
15 to them and we can help get you registered.

16 Next is with respect to the Benefit
17 Analyst position. As you will recall, as part of
18 your Budget that you approved earlier this year,
19 you included a new position for Benefit Analyst.

20 One of the reasons is Liz, who has been
21 here for 25 plus years and does an amazing job, she
22 will be retiring in the next year.

23 So Steve thought it was prudent and the
24 Board agreed and I agreed to get someone in to

1 start training with Liz. Michelle also helps with
2 benefits but it is on a part-time basis. So it's
3 important that you get someone new in who can start
4 getting the institutional knowledge that Liz and
5 Michelle maintain.

6 So that individual has been identified by
7 the internal search committee. If Trustees have
8 questions about the individual, they can come to
9 me. We are going to keep it confidential right now
10 because he has tentatively accepted.

11 I can tell you that the salary range is
12 consistent with what you approved in your Budget,
13 but he has not yet formally signed the offer letter
14 that we're going to be presenting to him later
15 today.

16 If you have questions, please don't
17 hesitate to reach out. My hope is that we can
18 introduce this individual to the Board at the May
19 meeting just very briefly and we're excited to have
20 this individual be part of the team.

21 The last item before we move to discuss
22 the Executive Director's search is in relation to
23 the Fund's insurance policy and this is your
24 General Business Owner umbrella policy.

1 I received a notification this week from
2 your broker that the insurance company that
3 provides you this coverage, which is Travelers,
4 will not be renewing your coverage. So effective
5 the end of June, you need to get a new insurance
6 provider to provide you again General Business
7 Owner and your umbrella insurance company.

8 The reason that they are not renewing
9 this is because of the claim that was made last
10 year, February of 2020, related to the litigation
11 involving trustees. So because there was a claim
12 made on the policy under that litigation, the
13 carrier has declined to extend coverage after the
14 expiration period.

15 So the broker is working right now in the
16 marketplace to get other quotes. I will tell you
17 that you currently pay with Travelers on an annual
18 basis \$2,200 so I would expect that to go up a
19 little bit as far as what quotes we will receive,
20 but I will keep you updated. Again, this is mostly
21 just to update you because I received notification
22 this week.

23 So other than that, those four items,
24 that is all I have to report. I will take any

1 questions that anyone might have.

2 If there are none, then I would recommend
3 we move on to discuss the Executive Director's
4 search, which I believe we will want a motion to go
5 into executive session.

6 MS. BURNS: That would be a motion to go
7 into closed session pursuant to Section 2(c)1 of
8 the Open Meetings Act.

9 MEMBER MURPHY: Mr. President, hearing no
10 questions, I'd like to make that motion.

11 MEMBER MCPHILLIPS: Second.

12 CHAIRMAN FORTUNA: There is a motion by
13 Trustee Murphy. Seconded by Trustee McPhillips.

14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Holt.

17 MEMBER NANCE-HOLT: Yes.

18 CHAIRMAN FORTUNA: Trustee

19 Conyears-Ervin.

20 MEMBER CONYEARS-ERVIN: Yes.

21 CHAIRMAN FORTUNA: Trustee McPhillips.

22 MEMBER MCPHILLIPS: Yes.

23 CHAIRMAN FORTUNA: Trustee Tebbens.

24 MEMBER TEBBENS: Yes.

1 CHAIRMAN FORTUNA: Trustee Valencia.

2 MEMBER VALENCIA: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 We are in executive session.

6 (Whereupon, the Board went into
7 executive session off the record.

8 No action was taken in Executive
9 Session.)

10 MEMBER MURPHY: I'd like to move to any
11 old business or new business.

12 CHAIRMAN FORTUNA: Is there any old
13 business or new business? Hearing none.

14 MEMBER MCPHILLIPS: I make a motion to
15 adjourn.

16 MEMBER MURPHY: Second.

17 CHAIRMAN FORTUNA: Motion to adjourn by
18 Trustee McPhillips. Seconded by Trustee Murphy.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee

24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.
2 CHAIRMAN FORTUNA: Trustee McPhillips.
3 MEMBER MCPHILLIPS: Yes.
4 CHAIRMAN FORTUNA: Trustee Tebbens.
5 MEMBER TEBBENS: Yes.
6 CHAIRMAN FORTUNA: Trustee Valencia.
7 MEMBER VALENCIA: Yes.
8 CHAIRMAN FORTUNA: And I am a yes.
9 Thank you, everyone.
10 We are adjourned.
11
12 (WHICH WERE ALL THE PROCEEDINGS
13 IN THE ABOVE-ENTITLED MEETING
14 AT THIS DATE AND TIME.)
15
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