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

IN THE MATTER OF )  
MEETING NO. REPLACE )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the videoconference meeting of the above-entitled  
matter, held at 20 South Clark Street, Suite 300,  
in the City of Chicago, County of Cook, State of  
Illinois, on November 17, 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

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

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

MICHAEL I. PETERS, M.D., Board Physician

1                   CHAIRMAN FORTUNA: I hereby convene this  
2 Board of Trustees meeting for November 17, 2021 to  
3 order.

4                   I need a roll call, please.

5                   MS. BURNS: Trustee Conyears-Ervin.

6                   MEMBER CONYEARS-ERVIN: Here.

7                   MS. BURNS: Trustee Murphy.

8                   MEMBER MURPHY: Here.

9                   MS. BURNS: Trustee Tebbens.

10                  MEMBER TEBBENS: Here.

11                  MS. BURNS: Trustee McPhillips.

12                  MEMBER MCPHILLIPS: Here.

13                  Trustee Valencia.

14                  Trustee Soni.

15                  Trustee Sheridan.

16                  President Fortuna.

17                  CHAIRMAN FORTUNA: I am here.

18                  MS. BURNS: Sir, you have a quorum.

19                  CHAIRMAN FORTUNA: Thank you, very much.

20                  Public Act 101-0640 allows this meeting  
21 to be conducted by audio and video conference. The  
22 Act requires a roll call vote on each matter acted  
23 upon.

24                  Further consistent with Public Act

1 101-0640, for the record, I am physically present  
2 at the Fund's office as is Board Secretary and  
3 Executive Director. We have posted notice of this  
4 meeting in accordance with the Open Meetings Act  
5 and the meeting is being recorded. A transcript of  
6 this proceeding will be prepared and ultimately,  
7 after approval, the transcript will be made  
8 available on the Fund's website.

9 Also, consistent with Public Act 91-0715  
10 and reasonable constraints determined by the Board  
11 of Trustees, at each regular meeting of the Board  
12 or its committees that is open to the public,  
13 members of the public may request a brief time to  
14 address the Board on relative matters within its  
15 jurisdiction.

16 Are there any requests for public  
17 comment?

18 MR. WELLER: If you wish to make a public  
19 comment, please press star six on your phone.

20 CHAIRMAN FORTUNA: Hearing no public  
21 comment, I would like to turn the meeting over to  
22 Secretary Murphy.

23 MEMBER MURPHY: I would like to turn to  
24 the Approval of Administrative Items. Agenda A,

1 approval of the regular audio meeting on October  
2 20, 2021; open and closed minutes; and, the regular  
3 audio meeting transcript of October 20, 2021.

4 I'd like to make a motion to approve the  
5 open minutes, the audio transcript and the closed  
6 session minutes for the October 20, 2021 Board  
7 Meeting and keep the closed minutes closed.

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 McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

19 MEMBER MURPHY: Moving on to B, I'd like  
20 to make a motion to approve the Minimum Formula  
21 Annuities starting with Member 16011 and ending  
22 with Member 14906.

23 MEMBER CONYEARS-ERVIN: Second.

24 CHAIRMAN FORTUNA: There is a motion by

1 Trustee Murphy. Seconded by Trustee  
2 Conyears-Ervin.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee  
6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 MEMBER MCPHILLIPS: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Mr. President, C,  
17 Survivor's Annuities, Widow's and Children's  
18 Annuities. I would like to make a motion to  
19 approve those Widow's Annuities starting with  
20 Member 08294 through Member 14518 and the  
21 Children's Annuities for Member 14518.

22 MEMBER TEBBENS: Second.

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

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee

4 Conyears-Ervin.

5 MEMBER CONYEARS-ERVIN: Yes.

6 CHAIRMAN FORTUNA: Trustee Soni.

7 MEMBER SONI: Yes.

8 CHAIRMAN FORTUNA: Trustee McPhillips.

9 MEMBER MCPHILLIPS: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MEMBER MURPHY: Moving on to D, Refunds

15 of Contributions. I'd like to make a motion to

16 approve the Refunds for Member 19528 and Member

17 15021.

18 MEMBER SONI: Second.

19 CHAIRMAN FORTUNA: Motion for Refunds by

20 Trustee Murphy. Seconded by Trustee Soni.

21 Trustee Murphy.

22 MEMBER MURPHY: 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: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Moving on to E, I'd like  
11 to make a motion to approve the Death Benefits for  
12 Member 12279 through Member 08705.

13 MEMBER MCPHILLIPS: Second.

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

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee  
19 Conyears-Ervin.

20 MEMBER CONYEARS-ERVIN: Yes.

21 CHAIRMAN FORTUNA: Trustee Soni.

22 MEMBER SONI: Yes.

23 CHAIRMAN FORTUNA: Trustee McPhillips.

24 MEMBER MCPHILLIPS: Yes.



1 CHAIRMAN FORTUNA: Trustee Tebbens.

2 MEMBER TEBBENS: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 MEMBER MURPHY: Moving on to F, I would  
6 like to make a motion to approve the Partial  
7 Payments beginning with Member 12279 and continuing  
8 through to Member 12033.

9 MEMBER MCPHILLIPS: Second.

10 CHAIRMAN FORTUNA: Motion by Trustee  
11 Murphy. Seconded by Trustee McPhillips.

12 Trustee Murphy.

13 MEMBER MURPHY: 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: And I am a yes.

24 Motion carries.

1 MEMBER MURPHY: Under G, there are no  
2 Benefit Recalculations this month.

3 Moving on to Request for Permission to  
4 Reside out of State. There is one this month for  
5 Member 17267. I make a motion to grant.

6 MEMBER CONYEARS-ERVIN: Second.

7 CHAIRMAN FORTUNA: Motion to grant by  
8 Trustee Murphy. Seconded by Trustee  
9 Conyears-Ervin.

10 Trustee Murphy.

11 MEMBER MURPHY: 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: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Under I, Removals. I'd  
24 like to make a motion to approve the Removals

1 starting with Alice Donnelly and ending with Emma  
2 Finn.

3 MEMBER CONYEARS-ERVIN: Second.

4 CHAIRMAN FORTUNA: There is a motion for  
5 Removals by Trustee Murphy. Seconded by Trustee  
6 Conyears-Ervin.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee  
10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Mr. President, there are  
21 no requests for approval of court orders and  
22 administrative orders this month.

23 Moving on to Item 4, I'd like to begin  
24 hearings on the Duty Disability applications.

1                   CHAIRMAN FORTUNA: Thank you.

2                   MR. PINELLI: Let the record reflect this  
3 is a hearing on the Duty Disability benefit  
4 application for Duty Disability benefits being made  
5 by Karen Gilbride.

6                   Good morning, Ms. Gilbride. As you have  
7 been told, I'm one of the attorneys for the Pension  
8 Fund. I will be conducting this hearing for the  
9 record.

10                   I'd like to advise you of some  
11 preliminary matters before we start evidence.

12                   First of all, there are currently six  
13 trustees present at this time to hear the evidence  
14 on your application. The Pension Code requires  
15 that you get the yes vote of at least five of the  
16 six trustees in order to get this benefit. Do you  
17 understand that?

18                   MS. GILBRIDE: Yes, I do.

19                   MR. PINELLI: Based on the record, it  
20 looks like you do not have an attorney representing  
21 you today. Is it your desire to proceed without an  
22 attorney?

23                   MS. GILBRIDE: Yes.

24                   MR. PINELLI: Lastly, it is the

1 applicant's burden of proof to present sufficient  
2 evidence to the Board in order for the board to  
3 grant a benefit. Do you understand as the  
4 applicant it is your burden of proof?

5 MS. GILBRIDE: Yes.

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

14 Do you understand the procedures?

15 MS. GILBRIDE: Yes, I do.

16 MR. PINELLI: Then we are ready to  
17 proceed. Could I have Dr. Samo and Ms. Gilbride  
18 please both raise your right hands.

19 (Witnesses sworn.)

20 KAREN GILBRIDE

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

23 EXAMINATION

24 BY MR. PINELLI:

1           Q     For the record, would you please state  
2 your name?

3           A     My name is Karen Gilbride.

4           Q     What is your current rank with the Fire  
5 Department?

6           A     Currently my rank is Ambulance Commander.

7           Q     What was your last assignment with the  
8 Fire Department before you went on layup?

9           A     My assignment was at Ambulance 51 but  
10 that day that I was injured I was assigned to  
11 Ambulance 54 at the airport.

12          Q     Before we get into the incident, first of  
13 all, I want to make sure that you did receive a  
14 copy of the Board Exhibits that have been marked  
15 Board Exhibits 1 through 12. Did you get a copy of  
16 those before today's date?

17          A     Yes.

18          Q     Did you have an opportunity to review  
19 them?

20          A     Yes.

21          Q     Do you have any objection to the  
22 admission of those exhibits into this record in  
23 support of your application?

24          A     No.

1 MR. PINELLI: Thank you.

2 Mr. Chairman, I move for admission of  
3 Board Exhibits 1 through 12 without objection from  
4 the applicant.

5 CHAIRMAN FORTUNA: Admitted without  
6 objection.

7 (Board Exhibits 1 through 12 were  
8 admitted into evidence.)

9 MR. PINELLI: Thank you.

10 BY MS. PINELLI:

11 Q Ms. Gilbride, directing your attention to  
12 October 31st of 2020, were you injured that day  
13 while at work, which is the basis of your  
14 application?

15 A Yes, I was.

16 Q Understanding the Board does have the  
17 benefit of your statement to them with your  
18 application, but could you please still briefly  
19 describe where you were and what happened to you on  
20 that date?

21 A On that day, again, I was with Ambulance  
22 54. We were responding to a call to a residential  
23 home. My partner and I were on our own and that  
24 was for approximately a 65 or 67 year old

1 gentleman. We arrived to the residence to find him  
2 in the basement and he did not live there so we got  
3 information. He looked pretty critical. We  
4 couldn't wait for a fire company so we went ahead  
5 and put him on the stair chair. We felt he could  
6 go either way at any minute.

7           Anyway, we put him on the stair chair. I  
8 was at the bottom of the stair chair because we  
9 were going up the stairs in the basement. It was a  
10 bit of a pie shaped. Of course, the gentleman was  
11 a bit of a dead weight. He weighed about 250  
12 pounds. And so I was carrying him up. Got to  
13 about the third step. Felt a pop in my right  
14 shoulder. I ignored it because the patient needed  
15 to go. Continued to carry him up the stairs. As I  
16 was working on the patient, I noticed that I was  
17 progressively getting worse. I was trying to  
18 ignore it.

19           Once we dropped the patient off at the  
20 hospital, I realized this was not going away. In  
21 fact, it was getting worse, that is when I  
22 contacted my field chief. And, of course, told my  
23 partner.

24           We then went ahead and went to Little



1 Company complaining of right shoulder pain. They  
2 suspected a shoulder rotator cuff tear. I also had  
3 numbness and tingling down the right arm and that  
4 has persisted the entire time and to this day I  
5 still have that problem. But they went ahead and  
6 gave me a pain patch and they took an x-ray and I  
7 was told to go to Medical. Medical gave me a  
8 doctor. That doctor went ahead and requested a MRI  
9 with x-rays.

10 At the time that first doctor told me  
11 that there was nothing wrong but yet I couldn't  
12 lift my arm. Still was having the tingling. He  
13 pretty much told me nothing to do. Of course, I  
14 got a second opinion with Dr. Leonard at Christ and  
15 then he went ahead and took more x-rays. Reviewed  
16 the MRI. Suggested that we start with a cortisone  
17 shot, that really didn't help. I did physical  
18 therapy for a few months and then once I still  
19 didn't improve with any of that, they went ahead  
20 and did surgery. They found a tear. They repaired  
21 that. They repaired a couple of other things.

22 Went ahead and did physical therapy.  
23 Continued with that. It has improved to a point  
24 but I still don't have full range of motion. I am

1 not able to lift not even five pounds.

2 I had a setback in August right before  
3 Labor Day, September. And, unfortunately, now my  
4 range of motion has decreased but the tingling is a  
5 problem so they want me to follow and get a MRI  
6 again in that area. I apologize. I have this  
7 better in my head.

8 Q That's fine. Let's hold off for a  
9 second. I will come back to your treatment in a  
10 moment.

11 A Oh, sorry.

12 Q That is okay. You did a good summary  
13 there. You saved me a lot of the questions that I  
14 needed to ask, which is fine.

15 Let me ask you about the condition of  
16 your right shoulder before this incident. It looks  
17 like from the records you did have a right shoulder  
18 strain of some type back in -- was it 2005?

19 A Actually, no, that was a middle back  
20 injury and for some reason Dr. Cook thought  
21 possibly it could be the shoulder but I never had  
22 any injury to the shoulder. It was actually in the  
23 middle back. It still gets tight around the spine  
24 area. I have had previous injuries to the lower

1 back and to the middle back around the spine and to  
2 this day it still bothers me when I walk too long  
3 or stand too long.

4 Q This incident, on October 31st of 2020,  
5 that was the first time you ever had an injury to  
6 your right shoulder?

7 A Yes.

8 Q Then you went on to tell us the history  
9 of your treatment and that you had the surgery and  
10 following the surgery you have had physical therapy  
11 and some steroid injections but it hasn't relieved  
12 your symptoms. Currently you have told us you've  
13 got limitations, right, with respect to your right  
14 shoulder?

15 A Yes, I do.

16 Q What is the doctor telling you with  
17 respect to any future course of treatment at this  
18 point?

19 A Right now he is concerned about the  
20 tingling since he thought it would have gone away  
21 with the shoulder surgery. Before I got off  
22 Medical, the Fire Department referred me to a  
23 neurologist. Unfortunately, with the neurologist,  
24 I needed a second opinion with that gentleman.

1           Anyway, the ortho doctor who did the  
2           surgery is requesting a MRI to the shoulder and a  
3           little bit of the neck area to find out why it is  
4           being impeded in the shoulder because we can't go  
5           forward with therapy until this is done.

6           He still feels that my range of motion is  
7           limited to the end but we are kind of at a  
8           standstill in the last week because we're trying to  
9           get the MRI.

10          Q       Then you mentioned you had a setback  
11          there. Was that during the course of your  
12          undergoing physical therapy and weight training to  
13          try to get back to work?

14          A       Yes. Yes. I was trying to do -- just  
15          started doing some strength training and I got to  
16          five pounds. And I did two exercises in physical  
17          therapy and after the second one I just started to  
18          have severe pain and the numbness and tingling  
19          increased.

20          That day I went home and it was terrible.  
21          I was driving home and I had a stabbing sharp pain  
22          in the top center of my shoulder. It also went  
23          around the entire scapula and it also went to the  
24          back upper corner of the leg. It really affected

1 the whole back area, the shoulder.

2 I also have a tendon problem in the front  
3 of the shoulder, that is near the armpit. I'm  
4 sorry. I don't know if you can picture all that.  
5 But the back is closer to the other side of the  
6 back side of the armpit as well in that area.

7 I have sharp stabbing pain with increase  
8 of motion and any progression of lifting and also  
9 the tingling will also increase with that.

10 Q Okay. Since you went on layup have you  
11 engaged in any activities by which you earn income?

12 A No.

13 Q Have you engaged in any sporting  
14 activities? By that I don't mean physical therapy,  
15 I mean actual sporting activities, since you have  
16 been on layup.

17 A No, sir.

18 Q Are you taking any pain medicine when  
19 needed prescribed by a physician?

20 A Yes. Tramadol, Naproxen. When the  
21 combination gets going, it kind of helps. The  
22 neurologist recommended a stronger arthritis  
23 medication. I took it once. I didn't notice any  
24 difference. I am just mainly sticking with the

1 Tramadol right now. After the surgery, they don't  
2 want to give me anything stronger than Tramadol.

3 MR. PINELLI: Thank you. That is all the  
4 questions I have at this time.

5 CHAIRMAN FORTUNA: Trustees, any  
6 questions?

7 Thank you.

8 MR. PINELLI: I would call Dr. Samo to  
9 testify.

10 (Witness sworn previously.)

11 DANIEL SAMO, M.D.

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

14 EXAMINATION

15 BY MR. PINELLI:

16 Q Sir, please, state your name.

17 A Daniel Samo.

18 Q You are a physician; is that correct?

19 A Yes.

20 Q Is a copy of your qualifications as a  
21 physician attached to the Board Exhibits?

22 A Yes.

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

1           A     Yes.

2           Q     In that capacity do you review medical  
3 records, either examine or interview applicants and  
4 file a written record with the Board?

5           A     Yes.

6           Q     Did you follow that procedure with  
7 respect to Ms. Gilbride?

8           A     Yes.

9           Q     Is a copy of your C.V. marked as Board  
10 Exhibit Number 2?

11          A     Yes.

12          Q     Doctor, did you have the opportunity to  
13 interview the applicant because of the current  
14 Covid protocols you couldn't examine her?

15          A     I did, yes.

16          Q     Was the information she provided to you  
17 in that interview consistent with the medical  
18 records that you had examined?

19          A     Yes.

20          Q     Could you briefly summarize for us what  
21 the state of her current condition is?

22          A     Sure. I mean, her summary of her care  
23 and everything was excellent and her history.

24          A     Currently she continues to have right shoulder

1 pain, especially when elevating her elbow away from  
2 her body above probably 60 degrees. So anything  
3 overhead is painful. Also the tingling that she  
4 has down the ulnar side, the pinky side of her  
5 hand, which has been persistent and consistent,  
6 which is currently being worked up with MRIs and I  
7 believe they talked about doing an EMG and NCV,  
8 nerve conduction velocity, tests.

9 Q Based on those current symptoms and  
10 complaints, do you believe she could perform her  
11 duties with the Fire Department?

12 A No.

13 Q Do you have any recommendations for  
14 future exams or reexams?

15 A Shoulders are very slow to heal. It's  
16 possible it could improve. I think reexams based  
17 on our normal procedures would be appropriate.

18 MR. PINELLI: Thank you, doctor, that is  
19 all the questions have.

20 CHAIRMAN FORTUNA: Trustees, any  
21 questions for the doctor?

22 MEMBER MURPHY: Mr. President, I would  
23 like to make a motion to grant the benefit  
24 requested by Ambulance Commander Gilbride.



1 MEMBER MCPHILLIPS: Second.

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

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee  
10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: 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: I would like to make a  
23 motion for reexam consistent with the Board's  
24 policy.

1 MEMBER SHERIDAN: Second.

2 CHAIRMAN FORTUNA: Motion for reexam by  
3 Trustee Murphy. Seconded by Trustee Sheridan.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: 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: And I am a yes.

18 Motion carries.

19 MEMBER MURPHY: Counsel has previously

20 sent around proposed Findings of Fact and

21 Conclusions of Law in this matter. Having had a

22 chance to review those, I would like to make a

23 motion to approve those Findings of Fact and

24 Conclusions of Law in this matter.

1 MEMBER CONYEARS-ERVIN: Second.

2 CHAIRMAN FORTUNA: Motion to adopt by  
3 Trustee Murphy. Seconded by Trustee  
4 Conyears-Ervin.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee  
10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

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

24 You will be notified by mail of the

1 Findings of Fact and the Board's decision.

2 MS. GILBRIDE: Thank you, very much,  
3 everyone.

4 MEMBER MURPHY: Our next applicant is  
5 Firefighter Ryan Ray from Squad 2.

6 MR. PINELLI: Mr. Ray, are you on the  
7 line?

8 MR. RAY: Yes.

9 MR. PINELLI: We are ready to proceed.

10 Let the record reflect this is an  
11 application for a Duty Disability being made by  
12 Firefighter EMT Ryan Ray.

13 Good morning, Mr. Ray. If you don't know  
14 you should know I am one of the attorneys for the  
15 Pension Fund. I will be conducting this hearing  
16 for the record.

17 I'd like to advise you of some  
18 preliminary matters before we start the actual  
19 evidence.

20 First of all, there are seven trustees  
21 present at this time to hear the evidence on your  
22 application. If you don't know you should know the  
23 Pension Code requires that you get the yes vote of  
24 at least five trustees in order to receive this

1 benefit. Do you understand that?

2 MR. RAY: I understand, yes.

3 MR. PINELLI: I also see that you do not  
4 have an attorney that filed an appearance on your  
5 behalf. Is it your desire to proceed without an  
6 attorney at this hearing?

7 MR. Ray: Correct. Yes.

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

13 MR. RAY: I understand.

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

23 MR. RAY: I understand.

24 MR. PINELLI: Then we are ready to

1 proceed with the evidence. May I have Dr. Samo and  
2 Mr. Ray please raise your right hands?

3 (Witnesses sworn.)

4 RYAN RAY

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

7 EXAMINATION

8 BY MR. PINELLI:

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

11 A Ryan Ray.

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

14 A Firefighter EMT.

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

17 A Squad 2.

18 Q Directing your attention to the Board  
19 Exhibits, which have been marked Board Exhibits 1  
20 through 12, did you receive a copy of those in  
21 advance of today's hearing?

22 A I did.

23 Q Did you have a chance to review those  
24 records?

1           A     I did.

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

5           A     I don't.

6           MR. PINELLI: Thank you.

7           Mr. Chairman, I move for admission of  
8 Board Exhibits 1 through 12 without objection from  
9 the applicant.

10          CHAIRMAN FORTUNA: Admitted without  
11 objection.

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

14          MR. PINELLI: Thank you.

15 BY MR. PINELLI:

16          Q     Mr. Ray, you are applying for this Duty  
17 Disability based upon an injury or injuries that  
18 you sustained on March 31st of 2019; is that  
19 correct?

20          A     Correct.

21          Q     Understanding the Board does have your  
22 written statement in the submission, could you  
23 please still briefly summarize for us where you  
24 were and what happened to you on that day?

1           A     Yeah, absolutely. So we were a little  
2 late to the fire. We had a three-story apartment  
3 building that was a little above the ground floor  
4 so we were about 25 to 30 feet in the air doing  
5 overhaul, search, looking for fire, anything like  
6 that.

7                     As we were about to wrap up, we were  
8 going to go check a room, which we thought was a  
9 bathroom and it was actually the back porch was  
10 gone. But it was pitched black and we couldn't see  
11 it.

12                    I took two steps and walked out and felt  
13 like I was on a giant drop. I fell about 25 feet.  
14 As I was going down, I thankfully missed all the  
15 steel I-beams and everything that was kind of still  
16 intact and was able to turn to my left side. When  
17 I landed on my left side, from what they believe,  
18 my elbow and my shoulder dislocated. I immediately  
19 had, you know, left-sided pain and from there they  
20 called a Mayday.

21                    Thankfully, I landed right in front of a  
22 guy. I just missed him. I was able to grab his  
23 leg and he was able to call Mayday and they were  
24 able to get me out and get me to the hospital.



1 That is pretty much about it.

2 Q Let's talk about those parts that you  
3 injured. First of all, your left elbow you  
4 mentioned. Had you ever had any injuries to the  
5 left elbow before that date?

6 A No.

7 Q And the records indicate that you  
8 ultimately had a surgery on it on April 23rd of  
9 2019 on your left elbow; is that correct?

10 A Correct. Yes.

11 Q Following the surgery, I take it, you did  
12 some rehabilitation and physical therapy in an  
13 attempt to get back to work; is that correct?

14 A Correct. About eight months worth.

15 Q Were you able to successfully  
16 rehabilitate your left elbow that allowed you to  
17 return to work in January of 2020?

18 A I did.

19 Q Let's talk about your left shoulder that  
20 you injured as well at this incident. Had you ever  
21 had any previous injuries to your left shoulder  
22 before that date?

23 A Injuries no but pain yes.

24 Q Can you just briefly describe for us what

1 pain that you had in your left shoulder before this  
2 date?

3 A Vaguely I kind of remember -- I am glad  
4 they brought it up. But I believe when I was  
5 working out when I got to a certain point I had a  
6 little bit of like a pinching or sharp pain that  
7 was just becoming annoying. So I remember I got it  
8 checked out and it just happened to be through the  
9 doctor's request that I get a MRI done because he  
10 saw nothing on the x-ray and it was actually within  
11 I think like 72 hours or four days before the  
12 actual incident happened so.

13 Q But you did return to work even with the  
14 condition of that pain in your shoulder? Were you  
15 working or were you on layup?

16 A Yeah. The doctor said that it was a very  
17 minor tear if -- maybe a cortisone shot or physical  
18 therapy at home. I declined the physical therapy  
19 because it really wasn't bothering me that bad. It  
20 was more like I said an annoyance once in awhile.  
21 I just kind of wanted to get it checked out. I was  
22 able to go back to full duties no problems.

23 Q And then this incident occurred and as a  
24 result of it you underwent treatment for your left

1 shoulder as well, right?

2 A Correct.

3 Q You had a surgery on that left shoulder  
4 on July 9th of 2019? Does that sound right?

5 A Correct.

6 Q Following that surgery, you underwent  
7 physical therapy in an attempt to return to work?

8 A Correct.

9 Q And --

10 A Seven --

11 Q Seven or eight months of physical  
12 therapy?

13 A Correct.

14 Q You were successfully able to return to  
15 work with the condition of your left shoulder in  
16 January of 2020; is that correct?

17 A Yeah. Correct, with pain. I was still  
18 having AC joint pain but the doctor had pretty much  
19 said it is not -- you can work with pain so they  
20 were able to sign me off and I was able to go back  
21 to work for about eight months, seven months.

22 Q Right. And that is what it looks like.  
23 Sometime maybe about June or so of '20 you went on  
24 layup again for the shoulder; is that correct?

1           A     Correct.  It was getting worse over the  
2     summer.  We were going to fires.  I was losing  
3     mobility fast and the pain was getting worse so I  
4     went back to the same doctor that I had for the  
5     first two operations.

6           Q     Subsequently did he perform a revision  
7     surgery?

8           A     Yeah.  He did an AC resection, or  
9     whatever they call it, revision.  They cut a little  
10    bit of the collarbone back to open up the joint.

11          Q     That was in August of 2020, right?

12          A     Correct.

13          Q     And then were you able to come back after  
14    that or not able to?

15          A     No.  Negative.  It actually got worse to  
16    the point where I was dependent on pain meds and I  
17    was having super sharp pain in the collar bone  
18    area, in my shoulder.  Physical therapy was getting  
19    real nervous.  That is when we went -- I talked to  
20    Medical.  Everybody was pretty much worried, except  
21    for that doctor.  He said there is something  
22    definitely wrong.  It wasn't stabilized or  
23    something like that.

24                 I ended up getting a doctor -- going to

1 Dr. Cole. That is where that whole part starts. I  
2 don't know if you have questions about that, too.

3 Q Well, yes. I saw that you did go to Dr.  
4 Cole and then he tried conservative treatment for a  
5 while; is that correct?

6 A Yes, he did. Finally, we kind of came to  
7 the conclusion that nothing was going to get  
8 better. Physical therapy was at the point where  
9 they thought -- they couldn't do anything more. It  
10 was either have surgery or this is how it's going  
11 to be the rest of my life.

12 The doctor decided that he was going to  
13 go in and do the stabilization. He told me that he  
14 might be able to fix the pain but he is not  
15 guaranteeing that I would be able to work as a  
16 firefighter again.

17 Q Then did you have a third surgery on that  
18 left shoulder?

19 A Correct.

20 Q That was in January of this year?

21 A Yes.

22 Q Which doctor performed that?

23 A Dr. Cole.

24 Q Now tell us currently what the condition

1 of your left shoulder is with respect to pain or  
2 limitation?

3 A I am very limited. Below my shoulder  
4 line, I am pretty decent. I am able to pull  
5 weight, push, pull. I really don't have any  
6 restriction with that. Once I get to about 90  
7 degrees, or your arm straight out, that is where I  
8 start having problems. Pain and very limited. I  
9 can't get more than 15 pounds above my head.

10 I wanted to go back to work. We have  
11 been trying at physical therapy to get this weight  
12 and whatever and I just can't get it.

13 On top of that, I do have -- some of the  
14 numbness in my biceps area has finally gone away  
15 but on top of my shoulder is so sensitive.

16 I can't wear an airpack, a backpack, a  
17 scuba tank which was one of my hobbies.

18 So I also have like three screw heads  
19 popping out of my skin. I am kind of limited.  
20 Pretty much above my shoulder line it is kind of  
21 game over. I have a 15-pound limit that Dr. Cole  
22 said is probably going to be the best I can do.

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

1           A     I do. I have, yes.

2           Q     What is that? What activities do you  
3 engage in?

4           A     It is an Administrative Assistant for the  
5 Village of Crestwood with the Fire Department.  
6 Just doing payroll, anything desk. Answering  
7 phones. That is pretty much --

8           Q     It is not a job that requires you to  
9 engage in heavy physical lifting as you did when  
10 you were working as a firefighter; is that correct?

11          A     No. Negative. The heaviest thing is a  
12 water bottle, that is all.

13          Q     All right. Have you engaged in any  
14 sporting activities?

15          A     No. Negative.

16          Q     Do you currently have any appointments  
17 with physicians with respect to your left shoulder  
18 condition?

19          A     I do not, no. They said this was  
20 probably going to be about as good as I get. Same  
21 with the elbow. I am still having pain with the  
22 elbow but nothing that limits me so that is the  
23 same situation. They think that is just going to  
24 be how it's going to be. Nerve -- you know, nerve

1 issues here and there. Just that is about it so.

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

4 CHAIRMAN FORTUNA: Trustees, any  
5 questions?

6 No questions.

7 MR. PINELLI: I would call Dr. Samo to  
8 testify.

9 (Witness previously sworn.)

10 DANIEL SAMO, M.D.

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

13 EXAMINATION

14 BY MR. PINELLI:

15 Q Sir, please state your name.

16 A Daniel Samo.

17 Q You're a physician, correct?

18 A Yes.

19 Q A copy of your qualifications are  
20 attached to the Board Exhibits?

21 A Yes.

22 Q Do you perform a function for this fund?

23 A Yes.

24 Q In that capacity, do you review medical



1 records, examine applicants or interview them and  
2 report your findings to the Board?

3 A Yes.

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

6 A Yes.

7 Q Doctor, you interviewed the applicant; is  
8 that correct?

9 A Yes, I did.

10 Q And was the information he provided to  
11 you during the interview consistent with the  
12 medical records you reviewed?

13 A He did not tell him me about his issues  
14 prior to the incident.

15 Q You are talking about with his left  
16 shoulder?

17 A Correct.

18 Q Doctor, did you send the applicant out  
19 for an independent medical exam?

20 A Yes, I did.

21 Q And to whom did you send him to?

22 A Dr. Samuel Biafora, who is a shoulder and  
23 upper extremity specialist, orthopedic.

24 Q He is an orthopedic surgeon?

1           A     Correct.

2           Q     Why did you do that?

3           A     I wanted someone to look at him,  
4 especially to look at his imaging, to see if there  
5 was any changes in the images from before and after  
6 the incident and to get an opinion about any  
7 changes in his condition before and after the  
8 incident.

9           Q     Okay. Is Dr. Biafora, to your knowledge,  
10 a doctor that has been approved by the Board to  
11 conduct independent medical exams?

12          A     Yes, he is.

13          Q     He did conduct that examination?

14          A     Yes, he did.

15          Q     Did he file a written report that is  
16 marked as Board Exhibit 2B?

17          A     He did.

18          Q     Can you just summarize for us what his  
19 findings were with respect to his independent  
20 medical exam?

21          A     His findings were that when he compared  
22 the imaging there was really no significant change  
23 in the imaging of the shoulder. He felt that based  
24 on his subjective complaints of increased pain and

1 decreased range of motion that his shoulder  
2 condition had worsened subjectively due to the  
3 incident.

4 Q So that even if he had a preexisting  
5 problem in that left shoulder, the incident on  
6 March 31, 2020 exacerbated that condition?

7 A Yes.

8 Q In his opinion is he currently unable to  
9 perform his duties with the Fire Department?

10 A Yes, he is.

11 Q Doctor, do you agree with those findings?

12 A Yes.

13 MR. PINELLI: Thank you, that is all the  
14 questions I have.

15 CHAIRMAN FORTUNA: Trustees, any  
16 questions for Dr. Samo?

17 MEMBER MCPHILLIPS: No questions.

18 MEMBER MURPHY: Mr. President, I would  
19 like to make a motion to grant the benefits  
20 requested by Firefighter EMT Ryan Ray.

21 MEMBER TEBBENS: Second.

22 CHAIRMAN FORTUNA: There is a motion to  
23 grant by Trustee Murphy. Seconded by Trustee  
24 Tebbens.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 MEMBER MCPHILLIPS: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

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

19 to make a motion for reexam consistent with the

20 Board's policy.

21 MEMBER SONI: Second.

22 CHAIRMAN FORTUNA: There's a motion for

23 reexam by Trustee Murphy. Seconded by Trustee

24 Soni.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 MEMBER MCPHILLIPS: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Counsel has previously

19 sent around proposed Findings of Fact and

20 Conclusions of Law in this matter. Having had a

21 chance to review those, I make a motion to adopt

22 the Findings of Fact and Conclusions of law in this

23 matter.

24 MEMBER MCPHILLIPS: Second.

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

3                   Trustee Murphy.

4                   MEMBER MURPHY:  Yes.

5                   CHAIRMAN FORTUNA:  Trustee Sheridan.

6                   MEMBER SHERIDAN:  Yes.

7                   CHAIRMAN FORTUNA:  Trustee

8  Conyears-Ervin.

9                   MEMBER CONYEARS-ERVIN:  Yes.

10                  CHAIRMAN FORTUNA:  Trustee Soni.

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

24                  You will be notified by mail of the

1 Findings of Fact and the Board's decision.

2 Thank you and good luck to you.

3 MR. RAY: Thank you and have a good  
4 day.

5 MEMBER MURPHY: In the matter of Deputy  
6 Fire Commissioner James Soludczyk, after speaking  
7 with Fund counsel and staff, I'd like to make a  
8 motion to defer to obtain additional information  
9 applicable to the matter.

10 CHAIRMAN FORTUNA: Motion to defer by  
11 Trustee Murphy. Seconded by Trustee Soni.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee  
17 Conyears-Ervin.

18 MEMBER CONYEARS-ERVIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Soni.

20 MEMBER SONI: 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 The disability has been deferred to the  
6 December meeting.

7 MEMBER MURPHY: Mr. President, moving to  
8 the next applicant Stefan Ceniti Paramedic in  
9 Charge.

10 MR. PINELLI: Mr. Ceniti, are you on the  
11 line, sir?

12 MR. CENITI: Yes, I am on the line.

13 MR. PINELLI: Let the record reflect this  
14 is a hearing on the application for a Duty  
15 Disability benefit being made by Steve Ceniti.

16 Good morning, sir. I am one of the  
17 attorneys for the Pension Fund. I will be  
18 conducting this hearing.

19 For the record, I would like to advise  
20 you of some preliminary matters before we start the  
21 evidence.

22 First of all, there are currently eight  
23 trustees available and listening to the evidence on  
24 your application.



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

5                   MR. CENITI: Yes.

6                   MR. PINELLI: I see you did not have an  
7 attorney file an appearance on your behalf in this  
8 matter. Is it your desire to proceed without an  
9 attorney?

10                  MR. CENITI: Yes.

11                  MR. PINELLI: Lastly, it is the  
12 applicant's burden of proof to present sufficient  
13 evidence to the Board in order for the Board to  
14 grant a benefit under the Pension Code. Do you  
15 understand it is your burden of proof?

16                  MR. CENITI: Yes.

17                  MR. PINELLI: By way of procedures, I am  
18 going to start by asking you some questions under  
19 oath. The board members may or may not have  
20 questions of you. Then I will call the Fund's  
21 physician to testify in this matter Dr. Peters. If  
22 there is anything I don't ask him that you think is  
23 important, please let me know and you will be given  
24 that opportunity. Do you understand the

1 procedures?

2 MR. CENITI: Yes, sir.

3 MR. PINELLI: Then we are ready to  
4 proceed. Is Dr. Peters on the line as well?

5 DR. PETERS: Yes, I am.

6 MR. PINELLI: Could you both raise your  
7 right hands?

8 (Witnesses sworn.)

9 STEFAN N. CENITI

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

12 EXAMINATION

13 BY MR. PINELLI:

14 Q Sir, please state your name for the  
15 record.

16 A Stefan Ceniti.

17 Q What is your rank with the Fire  
18 Department?

19 A Paramedic in Charge.

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

22 A Ambulance 51.

23 Q Sir, did you receive a copy of the board  
24 exhibits marked 1 through 12 in advance of this

1 hearing from the Fund staff?

2 A Yes.

3 Q Did you have an opportunity to review  
4 those exhibits?

5 A Yes.

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

9 A No.

10 MR. PINELLI: Thank you.

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

14 CHAIRMAN FORTUNA: Admitted without  
15 objection.

16 (Board Exhibits 1 through 12 were  
17 admitted into the record.)

18 MR. PINELLI: Thank you.

19 BY MR. PINELLI:

20 Q Mr. Ceniti, directing your attention to  
21 October 9th of 2020 is that the day on which you  
22 sustained an injury or injuries that are the basis  
23 of your application?

24 A Yes.

1           Q     Understanding that the Board does have  
2 your written statement, could you still briefly  
3 summarize for us where you were and what happened  
4 to you on that date?

5           A     Yes. On October 9, 2020 when sitting in  
6 the front passenger seat, Chicago Fire Department  
7 Ambulance 51, we were parked with lights on  
8 documenting a refusal.

9                     The ambulance was T-boned on the  
10 passenger side by an intoxicated driver causing  
11 pain to my neck and shoulder with numbness to my  
12 right hand.

13                    I was transported to Little Company of  
14 Mary ER where I received x-rays of the right arm.  
15 Released the same day. I followed up with CFD  
16 Medical and sent to physical therapy. With no  
17 relief, pain actually getting worse, CFD sent me  
18 for a MRI of neck and a CT of right shoulder.

19                    Neck revealed I had a broken neck of  
20 C-4/C-5 that needed surgery. I had surgery on the  
21 25th of January, 2021 of fusion C-4/C-5 surgery  
22 done by Dr. Lopez.

23                    After months of therapy, I was still  
24 experiencing neck and shoulder pain. Unable to

1 lift weight. Having trouble with no position or  
2 comfort.

3 Dr. Garrigues suggested I have a MRI of  
4 the right shoulder where tears were found not seen  
5 in the initial CT scan. I had surgery on the 13th  
6 of September, 2021 at Rush by Dr. Garrigues.

7 I am still experiencing pain down the  
8 right side of my neck into my right arm and it gets  
9 worse upon rotation or lifting objects while  
10 lifting away from body. Having pain mostly when  
11 standing or sitting for long periods of time. Neck  
12 and arm pain with no position or comfort.

13 Q Thank you.

14 A To clarify, Dr. Lopez released me on July  
15 3, 2021 so I could have shoulder surgery while I  
16 was on a 15 to 20-pound weight restriction.

17 Tomorrow is my 30th year anniversary with  
18 the Chicago Fire Department. I am currently third  
19 on the Ambulance Commander list.

20 I never anticipated to be here today but  
21 circumstances being what they are here I am.

22 Thank you.

23 Q Thank you for that detail. Let me just  
24 backup, with respect to the condition of your right

1 shoulder and neck area prior to this incident, had  
2 you ever had any injuries to those areas of your  
3 body?

4 A Never, no.

5 Q You mentioned that return to work but did  
6 you ever actually return to full unrestricted duty  
7 in between the two surgeries?

8 A No.

9 Q Following the second surgery, did you  
10 undergo some physical therapy in an attempt to  
11 return to work?

12 A I am still in therapy as we speak.

13 Q Okay, thank you. Since you went on layup  
14 have you engaged in any activities by which you  
15 earn income?

16 A No.

17 Q Have you engaged in any sporting  
18 activities?

19 A No.

20 Q Are you currently taking any medications  
21 prescribed by a physician for pain management?

22 A No. But that is my choice because I have  
23 a history of kidney cancer so I refuse to take  
24 medicine.

1 MR. PINELLI: Thank you, sir, that is all  
2 the questions I have.

3 MR. CENITI: Thank you.

4 CHAIRMAN FORTUNA: Trustees, any  
5 questions?

6 No questions.

7 MR. PINELLI: Thank you. Then I will  
8 proceed to Dr. Peters.

9 (Witness previously sworn.)

10 MICHAEL I. PETERS, M.D.

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

13 EXAMINATION

14 BY MR. PINELLI:

15 Q Sir, could you please state your name?

16 A Michael I. Peters.

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

18 A Yes.

19 Q A copy of your qualifications as a  
20 physician are attached to the Board Exhibits?

21 A Yes, it is.

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

24 A Yes, I do.

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

4           A     Yes, I do.

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

7           A     Yes.

8           Q     Doctor, did you interview the applicant  
9 due to Covid restrictions?

10          A     Yes, I did.

11          Q     Did you find that his answers with  
12 respect to your interview were consistent or  
13 inconsistent with the medical records that you had  
14 reviewed?

15          A     Some of his description of his medical  
16 course is inconsistent with the medical record I  
17 reviewed. We did discuss some of that on the  
18 phone.

19          Q     Those inconsistencies, do they affect  
20 your opinions in this case?

21          A     My opinion is based on his medical  
22 record, not on his understanding of his medical  
23 care.

24          Q     Okay. Let's get to your opinion. With



1       respect to his current condition, could you  
2       describe it for us?

3               A     Yes.  So he, as he described, was an  
4       unrestrained front seat passenger in a parked  
5       ambulance struck at high speed by a T-bone  
6       mechanism to his side, passenger side.

7               He had his right arm resting on the arm  
8       rest.  He was completing a medical record for  
9       refusal, I think.  He had an immediate onset of  
10      neck and right shoulder pain.

11              He ultimately underwent a microdiscectomy  
12      surgery of his cervical spine at C-4/5.  And the  
13      reason why that was done is he developed weakness  
14      of the right upper extremity so he definitely had  
15      clinical findings of disc disease but he had  
16      underlying diffuse degenerative disc disease.  It  
17      certainly didn't occur from the crash.  You could  
18      argue that the crash made things worse and he had  
19      the surgery for that reason.

20              I did not see evidence of a fracture of  
21      his cervical spine as he described in his  
22      testimony.

23              Ultimately, his physician Dr. Lopez  
24      cleared him in writing as being at MMI for his

1 cervical spine and cleared him to return to full  
2 duties. The 20-pound lifting restriction was  
3 actually waived. This was also noted by the  
4 advance practice provider, Ms. Daly, at the CFD,  
5 when he followed up there.

6 So I know he explained to me that the  
7 reason why Dr. Lopez did that was so he could be  
8 cleared for right shoulder surgery but the medical  
9 record is pretty clear that Dr. Lopez clearing him  
10 for right shoulder surgery and putting him at MMI  
11 as it relates to his neck surgery were really two  
12 different topics of Dr. Lopez' note.

13 And then the right shoulder injury, yes,  
14 there were tears seen on the MRI but those were not  
15 surgical tears and they weren't repaired  
16 surgically.

17 When he had the surgery, he had the  
18 surgery for chronic degenerative AC joint  
19 arthropathy or arthritis, that is what the surgery  
20 was.

21 The surgeon described the indication as  
22 endstage arthropathy and the arthropathy findings  
23 did not justify any type of rotator cuff repair.

24 Q Given that condition, the current

1 condition of his shoulder, do you believe he could  
2 perform his duties with the Fire Department?

3 A Well, I think he's cleared as with  
4 regards to his neck. I don't really have good  
5 objective evidence of what he can do with his  
6 shoulder, other than what he's telling me. I think  
7 he would need probably a FCE or some other --  
8 short of me examining him, I think we need to know  
9 how much he can lift.

10 Q That hasn't been determined, nobody has  
11 put a restriction on that?

12 A I don't know the answer to that. For me,  
13 I would have to see what he can do in a FCE. He's  
14 reporting a lot of pain so I would predict that he  
15 probably can't do the lifting required of a  
16 Paramedic.

17 Q Let's return for a moment to the cause of  
18 his current condition. You heard his testimony  
19 that he did not have any prior injury or problems  
20 with his right shoulder that he was aware of. Is  
21 that consistent with what you saw?

22 A Yes.

23 Q Clearly the accident -- he didn't  
24 experience these symptoms until after the accident,

1 that appears clear, right?

2 A That appears clear.

3 Q So could the accident have aggravated --  
4 if he did have underlying osteoarthritis in that  
5 right shoulder joint, could it have exacerbated  
6 that?

7 A It could have.

8 MR. PINELLI: Thank you. That is all the  
9 questions I have of the doctor.

10 CHAIRMAN FORTUNA: Trustees, any  
11 questions?

12 MEMBER MCPHILLIPS: No questions.

13 CHAIRMAN FORTUNA: Hearing none.

14 MEMBER MURPHY: Mr. President, I'd like  
15 to make a motion to grant the benefits requested by  
16 Ambulance Paramedic Ceniti.

17 MEMBER MCPHILLIPS: Second.

18 CHAIRMAN FORTUNA: There is a motion to  
19 grant by Trustee Murphy. Seconded by McPhillips.  
20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: 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: Mr. President, I would  
14 like to make a motion for reexam consistent with  
15 the Board's policy.

16 MEMBER SONI: Second.

17 CHAIRMAN FORTUNA: There is a motion for  
18 reexam by Trustee Murphy. Seconded by Trustee  
19 Soni.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: 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: Counsel has previously  
14 sent around proposed Findings of Fact and  
15 Conclusions of Law. Having had an opportunity to  
16 review those, I make a motion to adopt the Findings  
17 of Fact and Conclusions of Law in this matter.

18 MEMBER SHERIDAN: Second.

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

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

1                   CHAIRMAN FORTUNA: Trustee

2                   Conyears-Ervin.

3                   MEMBER CONYEARS-ERVIN: Yes.

4                   CHAIRMAN FORTUNA: Trustee Soni.

5                   MEMBER SONI: Yes.

6                   CHAIRMAN FORTUNA: Trustee 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                  Based on the Findings of Fact and  
15                  Conclusions of Law made by the Trustees, the  
16                  Trustees have voted to grant you the benefit you  
17                  have requested.

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

20                  Thank you and good luck to you.

21                  MR. CENITI: Thank you. I appreciate it,  
22                  everybody.

23                  MEMBER MURPHY: Mr. President, our next  
24                  applicant Cornelius Graves has asked to defer per

1 counsel.

2 MS. BURNS: You need a motion to defer  
3 Mr. Graves' application for Duty disability based  
4 on his request.

5 MEMBER MURPHY: Motion to defer.

6 MEMBER TEBBENS: Second.

7 CHAIRMAN FORTUNA: Motion to defer by  
8 Trustee Murphy. Seconded by Trustee Tebbens.  
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee

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, moving on  
3 to our next applicant Robert Cook, Lieutenant EMT.

4 MR. PINELLI: Lieutenant Cook, are you  
5 online?

6 MR. COOK: Yes, I am.

7 MR. PINELLI: Thank you.

8 Let the record reflect this is a hearing  
9 on the application for a Duty Disability benefit  
10 being made by Lieutenant Robert Cook.

11 Good morning, Mr. Cook. As you have been  
12 told, I am one of the attorneys for the Pension  
13 Fund. I will be conducting this hearing.

14 For the record, I want to advise you of  
15 some preliminary matters before we start the actual  
16 evidence.

17 First of all, there are seven trustees  
18 currently present to hear the evidence on your  
19 application. If you don't know you should know the  
20 Pension Code requires that you get the yes vote of  
21 at least five trustees in order to receive this  
22 benefit. Do you understand that?

23 MR. COOK: Yes, I do.

24 MR. PINELLI: I see from the record that



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ROBERT E. COOK

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

EXAMINATION

BY MR. PINELLI:

Q State your name for the record.

A My name is Robert Cook.

Q What is your current rank with the Fire Department?

A I am a Lieutenant EMT and before going on medical layup I was assigned to 6-5-2.

Q Directing your attention to the group of Board Exhibits, were you provided a copy of those exhibits in advance of today's hearing?

A Yes, I was.

Q Do you have any objection to their admission into the record?

A No, I don't.

MR. PINELLI: Thank you.

Mr. Chairman, I move for admission of Board Exhibits 1 through 14 without objection from the applicant.

CHAIRMAN FORTUNA: Admitted without objection.

1 (Board Exhibits 1 through 14 were  
2 admitted into evidence.)

3 MR. PINELLI: Thank you.

4 BY MR. PINELLI:

5 Q Now, sir, directing your attention to the  
6 date of October 28th of 2020 is that the date on  
7 which you sustained an injury or injuries that is  
8 the basis of your application?

9 A Yes, it is.

10 Q Understanding that the Board does have a  
11 copy of your written statement, could you just  
12 briefly summarize for us, if you would, where you  
13 were and what happened to you on that date?

14 A I went over to the rear of Engine 127 and  
15 we were going to pull out everything inside the  
16 compartment. So as I reached in I pulled out a  
17 lifejacket and I handed it to Firefighter Herrera.  
18 Then I reached in and pulled out a second  
19 lifejacket and handed it to Firefighter Herrera.  
20 When I reached in the compartment a third time,  
21 which I thought was a bag containing the rest of  
22 the lifejackets that the Engine 127 had in their  
23 inventory, it felt a little stuck so I pulled it a  
24 little harder.

1           When I pulled it out, as it came clear of  
2 the compartment, which is right below the hose bed  
3 so it is maybe I guess like forehead head. I was  
4 holding with my right arm extended. As I pulled it  
5 out, I realized it was not lifejackets. It was  
6 something quite heavy.

7           As it came clear, I tried to pull it to  
8 my body to get my second arm around it. It was  
9 just too heavy. I couldn't hold it that long and  
10 it just pulled me to the ground.

11           As I went to the ground -- I mean, I  
12 didn't fall to the ground. Like it pulled my upper  
13 body. Like bending over. Like going to my knees.  
14 I let go of the bag once it hit the ground and I  
15 stood up.

16           Everybody was there because it was still  
17 part of the roll call procedure.

18           I just stood there. I believe -- I want  
19 to say Captain Rogers took over completing what we  
20 were doing.

21           While we were talking, he was continuing  
22 what we were going over; the drill/roll call.

23           He asked me if I was okay because I was  
24 kind of moving funny standing there. After about

1 five or ten minutes, I forget how long it was, I  
2 asked if I could be excused or he may have told me  
3 I could be excused. I went and took a couple of  
4 Ibuprofens. I thought I maybe strained something.

5 A couple hours later, I don't know the  
6 exact time, I took a third Ibuprofen. I realized  
7 that wasn't helping so I went to Captain Rogers. I  
8 told him I'd like to go to the hospital to get  
9 checked out.

10 I went to the hospital. They did some  
11 x-rays. They told me that -- I don't know the  
12 medical terms. It is in the medical records.  
13 Something with my back. It was -- I don't know  
14 what the name of it is. Anyway, they told me I had  
15 to go see a back specialist.

16 The shoulder I didn't realize how much it  
17 was hurt because the back hurt a lot more than the  
18 shoulder. The shoulder was very sore but the back  
19 was the majority of my pain. That kind of  
20 concludes what happened that day.

21 Q When you say your back, which part of  
22 your back was causing you pain?

23 A The lower back. I guess it would be  
24 called like the lumbar section going into my right

1 hip more.

2 Q Okay. Now had you ever had any injuries  
3 to either your right shoulder or your lower back  
4 prior to that date?

5 A The lower back, no, I never had that.  
6 The right shoulder I did. In the doctor's report,  
7 it says ten years ago. It was actually -- I don't  
8 know the exact date. It was over 20 years ago. I  
9 am guessing about 21 years ago.

10 I did have Dr. Lim go in and -- I don't  
11 remember exactly. He basically cleaned up the  
12 shoulder because there was I guess like some kind  
13 something in there that was irritating my shoulder.

14 He went in and cleaned up whatever was in  
15 there. I don't know the date. It was over 20  
16 years ago. After that then the shoulder was fine.

17 Q You never had any problems working full  
18 unrestricted duty with your shoulder --

19 A No.

20 Q -- after the procedure?

21 A No. And I was very active prior to the  
22 injury so no.

23 Q So then let's follow through after you  
24 went on layup. Did you ultimately have a surgery

1 on your right shoulder in January?

2 A I did two surgeries. Yes, I am sorry.

3 Q That is okay. The first surgery was in  
4 January of 2021?

5 A Correct.

6 Q Tell us about after that surgery, were  
7 you able to get back or what happened?

8 A No. After the surgery, at first it  
9 seemed okay. Once we started to try to get  
10 movements -- I had range of motion but I couldn't  
11 do certain things. Certain motions I just couldn't  
12 do.

13 So I spoke to Mary Daly about it at  
14 Medical and I spoke to my physical therapist. The  
15 physical therapist, after it was not responding,  
16 told me, yeah, you might need to look into  
17 something else.

18 During this process, I went back to the  
19 doctor who did the surgery. I think it was  
20 probably a couple of months in my rehab and he  
21 tried giving me like a steroid injection. It did  
22 relieve the pain for maybe a month but it didn't  
23 get any better. Then we continued, the same  
24 problems.



1           Then eventually he gave me a second  
2 injection. After the second injection, it actually  
3 was getting degeneratively worse to the point where  
4 I couldn't -- the motion I had before was actually  
5 I couldn't even do that now.

6           I was telling him the whole time I  
7 thought something was wrong. I was frustrated that  
8 I should be healing. It should be getting better.

9           Finally, after six months, he said now we  
10 waited six months, we can do another MRI. Went to  
11 the second MRI and he said that we had to redo the  
12 surgery. I take that back. After the second MRI,  
13 he gave me the second steroid injection.

14           Then we redid -- he wanted to redo the  
15 surgery and I chose not to have him do it because I  
16 wasn't happy with the way he was treating me after  
17 the surgery.

18           So I went and I saw a second surgeon at  
19 Rush Midwest Orthopedics, Dr. Garrigues, and he  
20 repeated the surgery. It will be four weeks ago  
21 this Friday.

22           He removed the four screws from the first  
23 surgery. He replaced it with four new screws. I  
24 want to say I think it is a cadaver tendon. He had

1 to put something else in there to reattach  
2 something to make -- because I tore the rotator off  
3 the bone the first time.

4 That is pretty much it. I don't know  
5 about all the medical terms after that.

6 Q So that second surgery was October 22nd  
7 or thereabouts of this year?

8 A Yes. Yes.

9 Q Several weeks ago. Have you been able to  
10 engage in physical therapy since the surgery?

11 A Yes, I did. He had me start physical  
12 therapy about ten days ago.

13 Q Can you tell the board members what the  
14 current condition of your right shoulder is with  
15 respect to any pain or limitations at this time?

16 A I am still in an arm sling for about  
17 another -- I want to say maybe two or three weeks I  
18 go back to see him. I think the 28th of this  
19 month. I am not sure of the date. It is at the  
20 end of the month, last couple of days. And then at  
21 that point he is going to look at me and decide if  
22 I can come out of the sling and then start having  
23 limited time out of the sling or stay in the sling  
24 longer.

1                   Physical therapy is very minimal. All  
2 they are trying to do is like straighten out my  
3 arm. Move it back to try to keep some range of  
4 motion with the therapist holding. Otherwise, it  
5 is just pretty much wait and see. They are being  
6 very cautious just because the first surgery didn't  
7 turn out well and we definitely don't want to do  
8 this a third time. They are being very cautious.

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

11           A     No.

12           Q     Have you engaged in any sporting  
13 activities?

14           A     No.

15           MR. PINELLI: Thank you, that is all the  
16 questions I have of the applicant.

17           CHAIRMAN FORTUNA: Trustees, any  
18 questions?

19                   Hearing none, Vince.

20           MR. PINELLI: Mr. Chairman, I see in the  
21 Board exhibits there are listed a couple of  
22 witnesses. Are there any on the line? Either EMT  
23 Captain Michael Rogers or Firefighter Angelo  
24 Herrera. Are either of those gentlemen on the

1 line?

2 MS. BURNS: Mr. Herrera, are you on the  
3 phone?

4 Captain Rogers are you on the phone?

5 It is always problematic when witnesses  
6 are subpoenaed and don't show up. Unless the  
7 applicant cares, you could proceed, Vince, with Dr.  
8 Peters.

9 MR. PINELLI: Why don't I do that while  
10 they are checking with Lori on the witness  
11 availability.

12 Mr. Cook, do you mind if I go ahead and  
13 call Dr. Peters to testify?

14 MR. COOK: No, I don't.

15 MR. PINELLI: Thank you.

16 (Witness previously sworn.)

17 Michael I. Peters, M.D.

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

20 EXAMINATION

21 BY MR. PINELLI:

22 Q Sir, please state your name.

23 A Michael I. Peters.

24 Q You are a physician; is that correct?

1           A     Yes.

2           Q     Are a copy of your qualifications  
3 attached to the Board exhibits?

4           A     Yes.

5           Q     Do you perform a function as a consultant  
6 to this Fund?

7           A     Yes, I do.

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

11          A     Yes.

12          Q     Or interview them due to Covid protocols.  
13                Did you file a written report with the  
14 Board that is marked as Board Exhibit Number 2?

15          A     Yes, I did.

16          Q     Dr. Peters, could you briefly summarize  
17 for us the current state of his condition and what  
18 his history is leading up to that?

19          A     Lieutenant Cook, as he described, was  
20 removing lighter items/equipment from an overhead  
21 compartment. But then by mistake he didn't realize  
22 that there was a much heavier bag and he sustained  
23 two injuries as a result of that. The first was a  
24 tear of his right -- part of his right rotator

1 cuff, the supraspinatus tendon, which ultimately  
2 required operative repair.

3 It sounds like from his history he  
4 probably had a re-tear of that in the immediate  
5 postoperative period, based on some conditioning  
6 that he was put in passively of his arm.

7 Either way, he continued to have  
8 postoperative pain and ultimately as he described  
9 had resurgery on October 22nd. Where it was noted  
10 intraoperatively that he had a re-tear of his  
11 supraspinatus tendon that required -- and,  
12 actually, the tendon was retracted, pulled back.  
13 So he had a repair of that a second time with a  
14 cadaver tendon. He's not really even very far into  
15 his rehabilitation for that re-tear injury.

16 From the lifting incident on-duty, he  
17 also had low back pain radiating to his right leg  
18 so he had a right lumbar radiculopathy. And failed  
19 conservative therapy, which included three epidural  
20 steroid injections at his SI joint.

21 He then had a microdiscectomy at L-4/5  
22 but he hasn't had that much improvement. He is  
23 still having right lumbar radiculopathy.

24 Further interventions for that injury

1       were put on hold so he could get his shoulder --  
2       have his second shoulder surgery. He still has a  
3       problem with his low back and radiating symptoms  
4       and he hasn't completed all of the treatment that  
5       he might get.

6               Q       Based upon that, would he be able to  
7       perform his duties at this time?

8               A       No, he can't.

9               MR. PINELLI: Thank you, doctor, that is  
10       all the questions I have.

11              CHAIRMAN FORTUNA: Trustees, any  
12       questions?

13              Hearing none.

14              MEMBER MURPHY: Do we have any other  
15       witnesses?

16              MS. BURNS: We have been told that one of  
17       the subpoenaed witnesses is not able to make it due  
18       to a doctor's appointment.

19              The second subpoenaed witness did not  
20       respond to the Fund's outreach.

21              And, therefore, unless Mr. Cook prefers  
22       not to proceed, I think you could proceed with  
23       maybe direction to Lori to follow up with those  
24       witnesses and tell them that they have to respond.

1           Mr. Cook, based on the evidence as  
2 presented, it is your option if you would like to  
3 proceed or defer this matter until next month at  
4 which time we will endeavor to get the two  
5 witnesses to attend and give testimony. Is it your  
6 desire to proceed?

7           MR. COOK: Yes, it is.

8           MS. BURNS: Thank you, sir.

9           MEMBER MURPHY: I would like to make a  
10 motion to grant the benefits requested by EMT  
11 Lieutenant Cook.

12           MEMBER SHERIDAN: Second.

13           CHAIRMAN FORTUNA: There's a motion to  
14 grant by Trustee Murphy. Seconded by Trustee  
15 Sheridan.

16           Trustee Murphy.

17           MEMBER MURPHY: Yes.

18           CHAIRMAN FORTUNA: Trustee Sheridan.

19           MEMBER SHERIDAN: 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 Tebbens.

2 MEMBER TEBBENS: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

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

8 MEMBER CONYEARS-ERVIN: Second.

9 CHAIRMAN FORTUNA: Motion for reexam by  
10 Trustee Murphy. Seconded by Trustee  
11 Conyears-Ervin.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee  
17 Conyears-Ervin.

18 MEMBER CONYEARS-ERVIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Soni.

20 MEMBER SONI: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

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

7           MEMBER TEBBENS: Second.

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

10           Trustee Murphy.

11           MEMBER MURPHY: Yes.

12           CHAIRMAN FORTUNA: Trustee Sheridan.

13           MEMBER SHERIDAN: 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 Tebbens.

20           MEMBER TEBBENS: Yes.

21           CHAIRMAN FORTUNA: And I am a yes.

22           Motion carries.

23           Based on the Findings of Fact and  
24 Conclusions of Law made by the Trustees, the

1 Trustees have voted to grant you the benefit you  
2 have requested.

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

5 Thank you and good luck.

6 MR. COOK: Thank you all.

7 MEMBER MURPHY: Mr. President, last month  
8 we heard testimony and evidence related to the Duty  
9 Disability application made by John L. Tuggle. At  
10 that time the Board voted to deny Firefighter  
11 Tuggle's application for Duty Disability benefits.

12 Counsel has now provided us with written  
13 Findings of Fact and Conclusions of Law in the  
14 matter.

15 Having had a chance an opportunity to  
16 review, I'd like to make a motion to adopt the  
17 Findings of Fact and Conclusions of Law in this  
18 matter.

19 MEMBER TEBBENS: Second.

20 CHAIRMAN FORTUNA: Motion by Trustee  
21 Murphy. Seconded by Trustee Tebbens.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Mr. President, our next  
12 matter involves the child annuity applications  
13 filed by Antonia Pickering, on behalf of the minor  
14 children of Michael R. Pickering. This is a Covid  
15 related duty death matter.

16 MR. PINELLI: Thank you, Mr. Secretary.

17 Let the record reflect this is a hearing  
18 on the application for child annuity benefits for  
19 Zoey Pickering and Ella Pickering being made on  
20 their behalf by their mother Antonia Pickering,  
21 wife of deceased EMT Michael Pickering.

22 At this time, Mr. Chairman, I move for  
23 admission of Board Exhibits 1 through 7 into the  
24 record in this matter.

1                   CHAIRMAN FORTUNA: Exhibits admitted  
2 without objection.

3                   (Board Exhibits 1 through 7 were  
4 admitted into evidence.)

5                   MR. PINELLI: Thank you.

6                   To summarize for the Trustees, those  
7 exhibits just admitted into the record, basically,  
8 indicate that Zoey and Ella Pickering are in fact  
9 the children of Firefighter EMT Michael Pickering.  
10 They are of the ages of 17 and 15, based upon the  
11 birth certificates.

12                   Firefighter EMT Michael Pickering died on  
13 October 8th of 2021. The death certificate  
14 indicating the immediate cause of death was  
15 respiratory failure, pneumonia and COVID-19 viral  
16 infection.

17                   The records also indicate that the Office  
18 of the Fire Commissioner gathered all available  
19 information, conducted an analysis of that  
20 information regarding his work assignments, and  
21 came to the conclusion that he was exposed to  
22 COVID-19 while working on-duty and that the virus  
23 contributed to his death. That is contained in the  
24 exhibits as well.

1           Board Exhibit 5 also indicates that there  
2 were various contact tracing done by the Chicago  
3 Fire Department to identify potential exposures  
4 that Firefighter Pickering had and they were able  
5 to document at least two duty runs on which he was  
6 exposed to patients who had COVID-19. He was also  
7 exposed at the firehouse to other individuals who  
8 had flulike symptoms as well.

9           Based upon those records, I believe there  
10 is sufficient evidence in this record before the  
11 Board to find that the application meets the  
12 requirements of Section 6-148A of the Pension Code,  
13 which indicates that a child annuity shall be made  
14 to children under the age of 18 when a Firemen's  
15 death results from the performance of an act or  
16 acts of duty.

17           So that is the evidence before you and  
18 the statutory provisions before you.

19           CHAIRMAN FORTUNA: Thank you, Vince.

20           MEMBER MURPHY: I'd like to make a motion  
21 to grant the child annuity benefits for the minor  
22 children of Michael R. Pickering.

23           MEMBER SHERIDAN: Second.

24           CHAIRMAN FORTUNA: There is a motion by

1 Trustee Murphy. Seconded by Trustee Sheridan.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Sheridan.

5 MEMBER SHERIDAN: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 MEMBER CONYEARS-ERVIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Soni.

10 MEMBER SONI: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Counsel has previously  
16 sent around proposed Findings of Fact and  
17 Conclusion of Law in this matter. Having had a  
18 chance to review those, I make a motion to adopt  
19 the Findings of Fact and Conclusions of Law in this  
20 matter.

21 MEMBER CONYEARS-ERVIN: Second.

22 CHAIRMAN FORTUNA: There's a motion to  
23 adopt by Trustee Murphy. Seconded by Trustee  
24 Conyears-Ervin.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MEMBER MURPHY: Moving on, Mr. President,

15 I'd like to make a motion to approve the Board

16 Physician's recommendations for reviews of the

17 disability recipients.

18 MEMBER SHERIDAN: Second.

19 CHAIRMAN FORTUNA: There is a motion for

20 review by Trustee Murphy. Seconded by Trustee

21 Sheridan.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.



1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Mr. President, our next  
12 item is Investment. I will turn this issue over to  
13 Lorna.

14 MS. SCOTT: So for the investment report  
15 I am going to just highlight performance and then  
16 plan on going into more detail on the reports that  
17 are in BoardPac at an Investment Committee meeting  
18 to be held sometime in early December.

19 It is a reminder, we do want to have an  
20 Investment Committee meeting before the December  
21 board meeting in order to fully discuss the results  
22 of that Asset Liability Study, with the plan to  
23 adopt the new asset allocation at the December  
24 board meeting.

1           Regarding that Asset Liability Study, it  
2           is a reminder that Brady and I are really open to  
3           feedback on this. You heard an initial  
4           presentation from Brady at last month's board  
5           meeting.

6           President Fortuna did ask us to cover how  
7           the MWDBE allocation would be impacted by the  
8           proposed asset allocation so we will be addressing  
9           that topic at the Investment Committee meeting in  
10          December.

11          Please let us know if there are any other  
12          concerns or topics you'd like to be discussed and I  
13          will be reaching out to schedule an Investment  
14          Committee meeting for early December.

15          Performance highlights. Markets  
16          rebounded in October. The Fund was up 2.8 percent  
17          in the month and that brings our year-to-date total  
18          to 13.9 percent. The Fund did underperform the  
19          benchmark by about 0.5 percent in October but it  
20          remains ahead for the year-to-date outperforming  
21          the benchmark by 0.4 percent.

22          Most of that outperformance is primarily  
23          due to strong performance by our international  
24          equity managers.

1                   Then with that, I think that is  
2 performance and investment in a nutshell and I will  
3 turn it over to Jackie for some insight on our  
4 operating cash.

5                   MS. VLAHOS: Like we have discussed  
6 before, this has been a really great year for us  
7 with the new funding in place. So as of November  
8 12th, we currently have \$70.9 million in our Chase  
9 account. We are anticipating the salary  
10 contributions, one more before the end of the  
11 month, of approximately \$1.85 million bringing us  
12 to a total available cash of \$72.7 million dollars.

13                   We have our benefits for November. After  
14 we pay our benefit payments, our refunds, our  
15 office payables, it bring us to approximately  
16 \$35 million in monthly payments for November.  
17 Leaving us a remainder of an overage of  
18 \$37.9 million dollars. Which is great news because  
19 that can carry us through December payments, that  
20 will cover us for the next month.

21                   If you go to the next page, due to our  
22 cash flow projections, you can see as we just  
23 discussed, we don't need any draw downs in order to  
24 pay our monthly payments for November. As well as

1 in December, even though we're anticipating the  
2 \$9.5 million in tax receipts, as you can see in the  
3 first column.

4 Even without that, we still will have  
5 enough money. Let's say we get zero dollars in  
6 December, we still have enough money to cover us  
7 through December.

8 It is very usual and customary for us to  
9 draw in January just for the fact that usually  
10 January is a month where we get little to no tax  
11 receipts.

12 For the next month, we will have this  
13 spreadsheet updated to be reflecting the 2023 cash  
14 flow projections as well.

15 Does anyone have any questions?

16 MS. BURNS: There doesn't seem to be any  
17 questions, Jackie.

18 MS. VLAHOS: Okay, great.

19 MR. WELLER: Jackie, if we can go out of  
20 order. I know the Treasurer has a 10:30 hard stop  
21 for a meeting that she has. The items that we  
22 might want to get voted on.

23 Mr. President, would you like us to  
24 perhaps go out of order?

1           CHAIRMAN FORTUNA: Yes. I reflect that  
2 we go out of order to take care of anything that we  
3 need to vote on.

4           MR. WELLER: The first I think most  
5 important item is the certification of the  
6 election, which falls under the Executive  
7 Director's Report Item 8A.

8           Let me just do a quick review on this so  
9 everybody is on the same page. So we did have an  
10 Active Trustee election happening in the fall. We  
11 did have a decent turnout on the count of number of  
12 votes back in. About 33 percent. A little bit  
13 lower than normal, but still a strong showing.

14           The results were Daniel J. Cusack 446.  
15 Results for Anthony R. Martin 670. Results for  
16 Timothy McPhillips 546. Total votes counted 1,662.

17           Everybody has seen the certification from  
18 Bansley & Kiener in the BoardPac. With that, I  
19 would ask the Board to certify this election as  
20 formalized and completed.

21           CHAIRMAN FORTUNA: I would need a motion  
22 for certification.

23           MEMBER MURPHY: Mr. President, based on  
24 the Executive Director's report provided, I make a

1 motion to certify the 2021 Active Trustee election  
2 results.

3 MEMBER SHERIDAN: Second.

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

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Sheridan.

9 MEMBER SHERIDAN: Yes.

10 CHAIRMAN FORTUNA: Trustee  
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

19 MR. WELLER: Jackie, to continue back in  
20 your vein to cover the open enrollment that we are  
21 going to do with employees in November, can you  
22 please bring the health employee insurance item up  
23 for review and discussion?

24 MS. VLAHOS: I think it is 7C.

1           Here's basically just a quick overview.  
2           I know Kelly had mentioned last month that our  
3           healthcare is due up for renewal as well as the  
4           reason why we are discussing it currently is the  
5           paperwork is due December 1st.

6           We did actually get really good news as  
7           you can see in the top portion where it says the  
8           \$32,000. Currently our monthly premium is \$32,200  
9           a month, that is before the employer reimbursement.  
10          And what they are proposing, if we stay in the same  
11          plan, is going to be \$33,456 a month.

12          You're looking at an increase for medical  
13          of 3.89 percent, which is actually under what they  
14          were projecting for healthcare just in general for  
15          the country as well as we are on the age based  
16          plan. Basically, regardless of any premium  
17          increases, we are going to see an increase every  
18          year because each year we get a year older in the  
19          office our premiums go up 2 to 5 percent.

20          If you look down to the next column is  
21          the dental. So we have where we actually have a  
22          savings where it is currently about \$2,500 a month  
23          and it goes down to approximately \$2,300 a month.  
24          Bringing us to a total premium of \$34,650 for the

1 current year. For the proposed upcoming year,  
2 \$35,790, which is going to be -- we also have to  
3 have at that is for just our premiums. We also  
4 have demographic changes so it is proposing for the  
5 year to go up to \$429,000 compared to this year of  
6 \$415,800.

7 We also have demographic changes. That  
8 is basically accounts for new hires, people that  
9 are getting off our plan, maybe someone added a  
10 person, deleted a person.

11 With our demographic changes, you're  
12 looking at for the end of 2020 to be \$398,890 and  
13 for the 2022 year it is going to be \$406,342  
14 approximately. We are looking at a total increase  
15 of 1.9 percent.

16 We can provide more information if you  
17 are wanting to see that but I was actually really  
18 happy seeing what they were proposing for the  
19 actual increase.

20 MEMBER CONYEARS-ERVIN: Jackie, I was  
21 thinking the same thing as I was looking at this.  
22 I mean, the cost of insurance has just skyrocketed.  
23 You all must have really worked hard for a 1.9  
24 percent increase. The annuitants and beneficiaries



1 really thank you for that.

2 MS. VLAHOS: We have been lucky so far.

3 MEMBER SONI: I agree.

4 MS. BURNS: To be clear, this is just for  
5 the Fire Fund employees, that is all.

6 MEMBER CONYEARS-ERVIN: Yes, but I was  
7 just saying the beneficiaries and the annuitants  
8 appreciate the dollars saved.

9 MS. BURNS: Yes, I understand.

10 MEMBER SONI: I totally agree with the  
11 Treasurer because from the benefit standpoint over  
12 here, we have seen costs skyrocket. Especially  
13 because a lot of the new treatments and procedures  
14 that are going on. To be able to keep this at 1.9,  
15 the annual growth right now is about 6 to 7 percent  
16 and that is with the Kaiser Family Study. So this  
17 is amazing and the same benefits as well.

18 MS. VLAHOS: Hopefully, we can continue  
19 that.

20 CHAIRMAN FORTUNA: Trustees, any more  
21 discussion?

22 MEMBER MURPHY: Mr. President, I'd like  
23 to make a motion to approve the proposed healthcare  
24 expenditure for Fund employees for 2022 as

1 presented.

2 MEMBER TEBBENS: Second.

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

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee  
10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MR. KELLER: Jackie, one more item before  
19 we jump off. Let's just go back to your  
20 expenditures for the month and get those completed  
21 just for perfunctory purposes.

22 MS. VLAHOS: You want me to talk about  
23 it?

24 MS. BURNS: It's just a motion.

1 MEMBER MURPHY: I'd like to make a motion  
2 to approve the administrative expenses as they were  
3 presented.

4 MEMBER SHERIDAN: Second.

5 CHAIRMAN FORTUNA: There's a motion by  
6 Trustee Murphy. Seconded by Trustee Sheridan.  
7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee  
12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MR. KELLER: Again, my apologies for  
21 getting out of order here.

22 CHAIRMAN FORTUNA: That is okay. Before  
23 I lose a quorum, I want to get the votes in.

24 MR. WELLER: Let's jump to Item 10A to

1 make sure we get that completed. It is the  
2 resolution for the EMWQ for the Retirees, Widows  
3 and the Children's Assistance Fund.

4 This year we are asking for \$100,440 to  
5 be moved from the FABF Fund to the Gift Fund. That  
6 will sponsor 380 \$1,250 gifts for a total of  
7 \$475,000.

8 You can see that breakdown. Chris, can  
9 you bring that up real quick for us. You can see  
10 that breakdown on that page there that Chris is  
11 looking at.

12 It would encompass all the widows  
13 receiving less than \$1,500 per month, which there  
14 are 305 and then 75 children for a total of 380.  
15 \$1,250 per Gift Fund and \$475,000 in total and a  
16 transfer of \$100,400.

17 With that, I would ask for a motion and a  
18 second for this resolution to go forward.

19 MEMBER MURPHY: I'd like to make a motion  
20 to approve the transfer of the \$100,440 from the  
21 Gift Fund reserve to the Ende Menzer Walsh Quinn  
22 Fund for the expressed purposes of providing  
23 holiday checks to the Fund's widows and orphans  
24 provided to the Board dated today's date.

1 MEMBER SHERIDAN: Second.

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

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee  
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 I don't know if this was mentioned but  
12 this is something we have done in previous years.

13 MS. BURNS: Yes, ma'am.

14 CHAIRMAN FORTUNA: Thank you, Trustee  
15 Conyears-Ervin.

16 Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 MR. WELLER: Three more items. I am  
23 going to do the two easy ones first and then we  
24 will finish with our cyber liability.

1 MS. BURNS: You better do that before you  
2 lose the Treasurer since she has to vote on it.

3 MR. WELLER: Chris, let's bring in Craig  
4 Goesel and his team.

5 MS. BURNS: They are going to talk?

6 MR. WELLER: Yes, just to go over the  
7 proposal real fast.

8 Waiting for him to come on, we do have  
9 the board dates that we have laid out, which are  
10 Item 8C for next year.

11 These follow our traditional third  
12 Wednesday format. There were two dates that we had  
13 to move off of that, January and December. You can  
14 see those changes. They don't overlap with any of  
15 the other fund meetings that will be going on that  
16 our co-trustees sit on.

17 CHAIRMAN FORTUNA: Director Weller, what  
18 I would like to do, I would like you to send those  
19 dates to all of the Trustees so if there is any  
20 changes that they may see later in the year, I  
21 would like those to be sent to you.

22 We can adopt these but if there is  
23 changes down the road we will be open to make those  
24 changes.

1           In the past Trustee Conyears- Ervin  
2           wanted to make a change that we couldn't and I want  
3           to make sure that everybody has the opportunity to  
4           look at all the dates, if there is something that  
5           needs to be changed. We can adopt these dates but  
6           I do want to have an open policy about this.

7           MR. WELLER: Okay.

8           MS. BURNS: Let's do the Fund holidays,  
9           too, then we can do one motion.

10          MR. WELLER: The Fund holidays there was  
11          some question last meeting about the City of  
12          Chicago. We mirrored the City of Chicago holidays.  
13          You can see the ones that are asterisked in  
14          BoardPac to follow along. There shouldn't be  
15          anything here that is inconsistent with what we  
16          have done in the past.

17          MEMBER MURPHY: I would like to make a  
18          motion to approve the proposed 2022 board meeting  
19          dates and the Fund holiday schedule as they were  
20          presented.

21          MEMBER CONYEARS-ERVIN: Second.

22          CHAIRMAN FORTUNA: There is a motion by  
23          Trustee Murphy. Seconded by Trustee  
24          Conyears-Ervin.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MR. WELLER: That leaves us with the  
15 cyber liability issue. Craig, are you on now?

16 MR. JEMMI: This is Jake Jemmi. I work  
17 with Craig. I just gave him a call. He's having  
18 some troubles with connectivity right now. I just  
19 resent the link.

20 MR. WELLER: We will go ahead and share  
21 it on our end, don't worry. Just hit the  
22 highlights.

23 MR. JEMMI: Starting off, we got very  
24 favorable terms this year opposed to the cyber



1 markets.

2 If you want to scroll down to Page 4, if  
3 you want to quickly read through here, it kind of  
4 highlights the trouble the cyber market has been  
5 going through. Whether it has been claims you have  
6 heard about or just premium increases that every  
7 single person has been getting in their renewals.

8 Like I said, we have favorable terms on  
9 the table through a different carrier. The  
10 expiring terms came in a lot higher than we  
11 expected.

12 If you can scroll down to the premium  
13 page, you can kind of knock out those points right  
14 away. That is Page 6, please.

15 As you see, we are expiring with \$10,400  
16 through Beazley. Beazley came in this year at  
17 about \$30,000, which is not what you want to see,  
18 especially with the low premium you had last year  
19 so we went out to market.

20 With your nature of operations, we got a  
21 lot of declines as expected. But we got very  
22 favorable terms from Cowbell, which a lot of your  
23 associates, whether it is the Policemen's fund or  
24 the Cook County funds, we have used Cowbell as kind

1 of a safety net with them. They are written  
2 through Obsidian, which is an A minus on the A AM  
3 Best Scale, which is someone we prefer to use.  
4 They came in right around expiring so we are very  
5 happy with those terms there.

6 To scroll down one more, the only  
7 difference here, and it is a positive change, is  
8 even the retention is going to be lowered. So all  
9 through and through it is going to be the same  
10 limits, the lower retention, for about the same  
11 price that is expiring.

12 As you see on the third bullet point  
13 there, we are definitely going to be recommending  
14 the Cowbell Option 2 option.

15 If there are any questions on it, but we  
16 are very happy with how we made out on this one.

17 MEMBER CONYEARS-ERVIN: I know that Craig  
18 has joined. I definitely heard his presentation a  
19 number of times at this point.

20 Good morning and thank you, Jake, for  
21 going over it.

22 I don't know if any of the other trustees  
23 have questions but I definitely have seen this with  
24 our other pension funds and I know that this is the

1 alternative that we have. We do not have many  
2 options but I know that you all did go to market  
3 for this price. It is what it is at this point.

4 MEMBER SONI: I agree with Madam  
5 Treasurer as well.

6 MR. GOESEL: Thank you, Madam Treasurer.

7 Sorry, I was late. I couldn't use my  
8 microphone on my computer so I had to be signed in  
9 twice.

10 Everything Jake has said is accurate.

11 And, as Madam Treasurer said, Cowbell has been  
12 recommended for other pension systems as well.

13 I will make a quick statement that  
14 without the advancement of some of the Fund's cyber  
15 security protocol, et cetera, that Kelly Weller and  
16 your team had executed over the past three, four  
17 months, these terms would not have been nearly as  
18 favorable.

19 So that is some of the hassle associated  
20 with implementing multifactor authentication and  
21 some of the email checks and balances that I am  
22 sure do impede some of your access to emails and  
23 seem to be a headache do improve your cyber  
24 security and therefore did improve the pricing.

1           So shout out to Kelly and his team's hard  
2 work on advancing that as hasslely as it might seem  
3 to the Trustees sometimes.

4           MEMBER SONI: I agree with the Treasurer.  
5 We have been seeing the same thing on the City  
6 side. To be able to get this kind of rate with  
7 Cowbell and being the rating that it is, I think it  
8 is a good option.

9           MEMBER MURPHY: Good job, Kelly and  
10 staff.

11           Based on the recommendation of staff, I  
12 would like to approve the renewal of the Fund's  
13 cyber liability insurance, on the terms  
14 presented.

15           MEMBER CONYEARS-ERVIN: Second.

16           CHAIRMAN FORTUNA: Motion be Trustee  
17 Murphy. Seconded by Trustee Conyears-Ervin.  
18 Trustee Murphy.

19           MEMBER MURPHY: Yes.

20           CHAIRMAN FORTUNA: Trustee Sheridan.

21           MEMBER SHERIDAN: Yes.

22           CHAIRMAN FORTUNA: Trustee  
23 Conyears-Ervin.

24           MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MR. WELLER: A few more items.

8 Jackie, and Lorna, I am going to defer  
9 back to you. I know we had to go a little bit out  
10 of order.

11 Lorna, was there anything left in  
12 investments that we need to go back on to discuss?

13 MS. SCOTT: No, I think we're good,  
14 unless there are any questions. Otherwise, again,  
15 our investment committee meeting and look to hear  
16 from me on scheduling that. I am looking for  
17 everyone to participate, not just committee  
18 members.

19 MR. WELLER: Just for everyone's  
20 edification, we are granting two hours of  
21 continuing education credit for those investment  
22 meetings attended by our Board of Trustees. It is  
23 a good way to help make the eight hour requirement,  
24 which is the last thing I will talk about on my

1 side.

2 Jackie, dovetailing to you, we have only  
3 had one open item and that was the Budget. Do you  
4 want to talk about the budget items to-date and  
5 what our thoughts are for starting the budget  
6 process into 2022?

7 MS. VLAHOS: Sure, if you want me to go  
8 over it.

9 Year-to-date Budget so far it is under I  
10 think 7B. As you can see so far for 2021, we have  
11 approximately \$2.9 million in expenditures and  
12 we're at about 79.7 percent of our proposed Budget  
13 that was approved for 2021.

14 We are hoping to finish slightly under  
15 Budget. I think most things are going well and if  
16 you look to the very last column, the only one that  
17 is kind of sticking out right now as being over  
18 budget is the insurance and it's just for the  
19 fiduciary insurance. We did not anticipate such a  
20 large increase as what we have experienced.  
21 Everything else seems to be right on target.

22 We do have a lot of accounts kind of last  
23 year where we budgeted they are still significantly  
24 under budget just due to the Covid procedures and

1 things like that that are going on. Office  
2 supplies, things like that, are still significantly  
3 under budget.

4 I am assuming for 2022, we'll start  
5 seeing our spending go back to normal as far as  
6 training and education, office supplies, things  
7 like that. I am hoping that it goes back to the  
8 pre-Covid days.

9 We have actually had one meeting so far.  
10 Just a real brief overview of what our budget  
11 process looks like for 2022. We're starting to  
12 reach out to our different departments to kind of  
13 get what their thinking as far as the 2022 Budget.

14 As well as I believe in December,  
15 correct me if I am wrong, Dan, but they are going  
16 to establish the Budget Committee, who that is  
17 going to be, what it is going to look like.

18 Then we are looking to get input from the  
19 Budget Committee as well once we get our  
20 preliminary numbers and then kind of get something  
21 in the next December meeting hoping to get a Budget  
22 that is pretty like finalized even though we don't  
23 usually approve it until January.

24 So we're looking for input. After we

1 meet with the Budget Committee, if they have one,  
2 and after the December meeting, myself and Kelly  
3 and anyone else that wants to be involved, we would  
4 like to meet with individual trustees to kind of go  
5 over it with a fine tooth comb. If there are any  
6 other additional questions or any input as far as  
7 what they'd like to see or what they might have  
8 problems with. So we can get everything situated  
9 and discussed before the January meeting comes up.

10 MR. WELLER: That is exactly what I  
11 wanted to convey. We're starting the process. We  
12 are going to meet as trustees want to individually,  
13 scheduling times, but we want to have some concrete  
14 numbers with which to bring forward.

15 And we will have that I anticipate by  
16 maybe not the next board meeting but within the  
17 holiday season so look for that.

18 The other thing I just wanted to let the  
19 board know, we have started our audit for 2021. We  
20 have got Mitchell Titus who came in now for one  
21 initial setup meeting. We got them coming in next  
22 month for another pre-audit meeting so we're  
23 addressing the issues that might have slowed us  
24 down a little last year and making sure that we got



1 corrected procedures in place. I am very hopeful  
2 that we will have a smooth and good audit  
3 experience this year.

4 MEMBER SONI: May I ask a question about  
5 that? Do they have the same team on board as last  
6 year or do they have new key personnel?

7 MR. WELLER: Trustee Soni, it is the same  
8 personnel. It is Kenny and Gary. I think they did  
9 add a new person from the testing team. I have not  
10 met that person yet but Gary and Kenny have been  
11 leading our conversations to this point and so far  
12 we have had very clear communication and  
13 expectation.

14 MEMBER SONI: Thank you.

15 MEMBER MURPHY: I think that wraps up the  
16 Executive Director's Report.

17 I think the only thing we have open is  
18 legal update with counsel.

19 MS. BURNS: There is nothing to report,  
20 sir.

21 MEMBER MURPHY: I'd like make a motion to  
22 adjourn.

23 MEMBER SHERIDAN: Second.

24 CHAIRMAN FORTUNA: Motion to adjourn by

1 Trustee Murphy. Seconded by Trustee Sheridan.

2 All in favor?

3 (Chorus of ayes.)

4 CHAIRMAN FORTUNA: I want everybody to  
5 have a great Thanksgiving. Please have fun and we  
6 will see you in December.

7

8 (WHICH WERE ALL THE PROCEEDINGS

9 IN THE ABOVE-ENTITLED MEETING

10 AT THIS DATE AND TIME.)

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