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

IN THE MATTER OF )  
MEETING NO. 1082 )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the video conference 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 Wednesday, January 20, 2021,  
commencing at the hour of 8:30 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

LORI LUND, Deputy Director

STEVEN R. SWANSON, Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

MARC TORRES, IT Analyst

MARK MYSLINSKI, City Treasurer's Office

CRAIG SLACK, City Treasurer's Office

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 January 20, 2021.

3 Please, call the roll.

4 MS. BURNS: Would you like me to call the  
5 roll?

6 MEMBER MURPHY: Please.

7 MS. BURNS: Trustee Annette Holt.

8 MEMBER NANCE-HOLT: Present.

9 MS. BURNS: Trustee Conyears-Ervin.

10 MR. SLACK: Mary Pat, she will be joining  
11 but just a few minutes late.

12 MS. BURNS: Thank you, sir.

13 Trustee Soni.

14 Trustee McPhillips.

15 MEMBER MCPHILLIPS: Present.

16 MS. BURNS: Trustee Tebbens.

17 Trustee Valencia.

18 MEMBER VALENCIA: Present.

19 MS. BURNS: Trustee Fortuna.

20 CHAIRMAN FORTUNA: Present.

21 MS. BURNS: We don't have a quorum yet.

22 MEMBER MURPHY: And I am present.

23 MS. BURNS: Trustee Tebbens, are you  
24 present?

1           And Trustee Murphy so you do have a  
2 quorum. Sir, you could proceed, you have five  
3 members present.

4           MR. SLACK: The Treasurer has joined,  
5 Mary Pat.

6           MS. BURNS: Thank you, Mr. Slack.

7           MEMBER CONYEARS-ERVIN: Good morning.

8           MS. BURNS: Let the record reflect the  
9 Treasurer has joined the meeting.

10          Welcome, ma'am. Good morning.

11          MEMBER CONYEARS-ERVIN: Good morning.

12          CHAIRMAN FORTUNA: Public Act 101-0640  
13 allows this meeting to be conducted by audio and  
14 video conference. The Act requires a roll call  
15 vote on each matter acted on.

16          Further consistent with Public Act  
17 101-0640, for the record, I am physically present  
18 at the Fund's office as is the Fund's counsel. We  
19 are proceeding by video conference because we  
20 continue to believe that due to the pandemic it is  
21 prudent to not all be physically present in the  
22 same space. We have posted notice of this meeting  
23 in accordance with the Open Meetings Act and the  
24 meeting is being recorded. A transcript of the

1 proceedings will be prepared and ultimately, after  
2 approval, will be made available on the Fund's  
3 website.

4           Onto public comment. Consistent with  
5 Public Act 91-0715 and reasonable constraints  
6 determined by the Board of Trustees, at each  
7 regular meeting of the Board or its committees that  
8 is open to the public, members of the public may  
9 require a brief time to address the Board on  
10 relevant matters within its jurisdiction.

11           Are there any requests for public  
12 comment? Okay, hearing none, we are going to move  
13 on.

14           MEMBER CONYEARS-ERVIN: Are you waiting  
15 on anything, Mr. President?

16           CHAIRMAN FORTUNA: Right now there's a  
17 problem. If there is anybody out there that wants  
18 to speak under the Open Meetings Act, so we are  
19 going to wait a few seconds until they see if there  
20 is anybody in the waiting room that wants to speak.

21           MS. BURNS: What Steve indicated is that  
22 there are some technical difficulties in terms of  
23 the public accessing the meeting.

24           Has the problem been resolved?

1 MR. SWANSON: Not yet.

2 MEMBER CONYEARS-ERVIN: Whoever is  
3 controlling the meeting, I am trying to come in  
4 from another device.

5 MS. BURNS: Marc, can you tell us when  
6 the problem has been fixed?

7 MR. TORRES: We can proceed.

8 MS. BURNS: Trustee Fortuna, you can  
9 proceed.

10 Sorry, everyone, there were some  
11 technical difficulties not allowing members of the  
12 public to access the meeting. Marc has fixed that.

13 Sorry for the delay.

14 There are no requests for public comment  
15 so I am going to turn the meeting over to Secretary  
16 Murphy.

17 MEMBER MURPHY: Thank you, Mr. President.

18 I will first turn to Approval of  
19 Administrative Items. Number 2, Approval of  
20 Minutes, A. I make a motion to approve the open  
21 meetings and the audio transcript from the December  
22 16, 2020 board meeting.

23 MEMBER NANCE-HOLT: Second.

24 CHAIRMAN FORTUNA: There's a motion by

1 Trustee Murphy. Seconded by Trustee Holt.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Annette Holt.

5 MEMBER NANCE-HOLT: 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 McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Moving on to B, Minimum

19 Formula Annuities. I would like to make a motion

20 to approve the Minimum Formula Annuities starting

21 with Member 11069 Aumann and ending with 14768

22 Voris.

23 MEMBER SONI: Second.

24 CHAIRMAN FORTUNA: Motion by Trustee

1 Murphy. Seconded by Trustee Soni.  
2 Trustee Murphy.  
3 MEMBER MURPHY: Yes.  
4 CHAIRMAN FORTUNA: Trustee Annette Holt.  
5 MEMBER NANCE-HOLT: 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 McPhillips.  
12 MEMBER MCPHILLIPS: Yes.  
13 CHAIRMAN FORTUNA: Trustee Tebbens.  
14 Trustee Valencia.  
15 MEMBER VALENCIA: Yes.  
16 CHAIRMAN FORTUNA: And I am a yes.  
17 Motion carries.  
18 MEMBER MURPHY: Moving on to C, Survivor  
19 Annuities: Widow's and Children's Annuities. I  
20 would like to make a motion beginning with Member  
21 14526 through Member 09086.  
22 MEMBER CONYEARS-ERVIN: Second.  
23 CHAIRMAN FORTUNA: There's a motion by  
24 Trustee Murphy. Seconded by Conyears-Ervin.



1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Annette Holt.

4 MEMBER NANCE-HOLT: 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 Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Moving on to Refunds, B,

18 I'd like to make a motion to approve the Refund

19 contributions of Member 14106.

20 MEMBER MCPHILLIPS: Second.

21 CHAIRMAN FORTUNA: There is a motion by

22 Trustee Murphy. Seconded by Trustee McPhillips.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Annette Holt.  
2 MEMBER NANCE-HOLT: Yes.  
3 CHAIRMAN FORTUNA: Trustee  
4 Conyears-Ervin.  
5 MEMBER CONYEARS-ERVIN: Yes.  
6 CHAIRMAN FORTUNA: Trustee Soni.  
7 Trustee McPhillips.  
8 MEMBER MCPHILLIPS: Yes.  
9 CHAIRMAN FORTUNA: Trustee Tebbens.  
10 Trustee Valencia.  
11 MEMBER VALENCIA: Yes.  
12 CHAIRMAN FORTUNA: And I am a yes.  
13 Motion carries.  
14 MEMBER MURPHY: Moving to E, Death  
15 Benefits. I move to approve the Death Benefits  
16 beginning with Member 07604 through Member 08288.  
17  
18 MEMBER NANCE-HOLT: Second.  
19 CHAIRMAN FORTUNA: There is a motion to  
20 approve by Trustee Murphy. Seconded by Trustee  
21 Holt.  
22 Trustee Murphy.  
23 MEMBER MURPHY: Yes.  
24 CHAIRMAN FORTUNA: Trustee Annette Holt.

1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee  
3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.  
6 Trustee McPhillips.

7 MEMBER MCPHILLIPS: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.  
9 Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.  
12 Motion carries.

13 MEMBER MURPHY: Moving on to Partial  
14 Payments. I make a motion to approve the Partial  
15 Payments beginning with Member 07604 and continuing  
16 through Member 08288.

17 MEMBER VALENCIA: Second.

18 CHAIRMAN FORTUNA: There is a motion to  
19 approve by Trustee Murphy. Seconded by Trustee  
20 Valencia.  
21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Annette Holt.

24 MEMBER NANCE-HOLT: 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 Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: Mr. President, Item G,

14 Benefit Recalculations. There are none.

15 Moving on to H, Request for Permission

16 for Guardianship. There are two guardianship

17 matters before the members. Member 07909 and

18 Member 08358. Staff confirmed the appropriate

19 documents are on file for both matters. I would

20 like to make a motion to approve the guardianships

21 on these two matters.

22 MEMBER SONI: Second.

23 CHAIRMAN FORTUNA: Motion to approve by

24 Trustee Murphy. Seconded by Trustee Soni.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Annette Holt.

4 MEMBER NANCE-HOLT: 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 Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Moving on to Reside out  
18 of State. There are three requests for Member  
19 12333, Member 17209 and Member 14379 to reside out  
20 of state. I would like to make a motion to  
21 approve.

22 MEMBER CONYEARS-ERVIN: Second.

23 CHAIRMAN FORTUNA: Motion to approve by  
24 Trustee Murphy. Seconded by Conyears-Ervin.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Annette Holt.

4 MEMBER NANCE-HOLT: 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 Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Moving on to Item I,

18 Removals. I move to approve the Removals starting

19 with Annie Outerbridge and ending with Nicholas

20 Kish.

21 MEMBER MCPHILLIPS: Second.

22 CHAIRMAN FORTUNA: There is a motion by

23 Trustee Murphy. Seconded by Trustee McPhillips.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Annette Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Moving to request for  
17 approval of Payments Pursuant to Administrative and  
18 Court Orders. I move that all Administrative and  
19 Court Orders listed in the docet starting with  
20 member 011069 and ending with Member 011586 be  
21 approved.

22 MEMBER NANCE-HOLT: Second.

23 CHAIRMAN FORTUNA: There is a motion by  
24 murmur. Seconded by Trustee Holt.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Annette Holt.

4 MEMBER NANCE-HOLT: 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 Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MS. BURNS: Before we go further, Trustee

18 Soni, do you want to be marked as voting in the

19 affirmative on all the preceding matters?

20 MEMBER SONI: Yes, please.

21 MS. BURNS: Thank you. The record will

22 so reflect.

23 MEMBER MURPHY: Moving on to Hearings.

24 Would you like to present the disability



1 hearing for Scott Flintz, Paramedic on Ambulance  
2 32, counsel?

3 MR. PINELLI: Yes, good morning. Is Mr.  
4 Flintz on the call?

5 MR. FLINTZ: Yes.

6 MR. PINELLI: Okay, good. Thank you.

7 Let the record reflect this is a hearing  
8 on the application for a Duty Disability benefit  
9 being made by Mr. Scott Flintz.

10 Good morning, Mr. Flintz. I am one of  
11 the attorneys for the Pension Fund. I'd like to  
12 advise you of some preliminary matters before we  
13 start evidence.

14 First of all, I think there are eight  
15 trustees currently present to hear the evidence on  
16 your application. If you don't know you should  
17 know the Pension Code requires that you get the yes  
18 vote of at least five of those trustees in order to  
19 receive this benefit. Do you understand you need  
20 at least --

21 MR. FLINTZ: Yes.

22 MR. PINELLI: -- five affirmative votes?

23 You do not have an attorney that has  
24 filed an appearance on your behalf. Is it your

1       desire to proceed without an attorney?

2                   MR. FLINTZ:   Yes.

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

8                   MR. FLINTZ:   Yes, sir.

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

18                   MR. FLINTZ:   Yes.

19                   MR. PINELLI:   Then we are ready to  
20       proceed.   Could I have Mr. Flintz and Dr. Peters  
21       please raise your right hands?

22   (Witnesses sworn.)

23   SCOTT W. FLINTZ

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

1 examined and testified as follows:

2 EXAMINATION

3 BY MR. PINELLI:

4 Q Mr. Flintz, please state your name and  
5 spell your last name for the record.

6 A My name is Scott Flintz. Spelled  
7 F-L-I-N-T-Z.

8 Q What is your rank with the Fire  
9 Department?

10 A FPM.

11 Q Fire Paramedic?

12 A Yes.

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

15 A Ambulance 32.

16 Q Directing your attention to the group of  
17 exhibits, you should have been provided a copy of  
18 Board Exhibits marked 1 through 12. Did you  
19 receive a copy of those before today's date?

20 A I did, yes, along with there was more  
21 that were emailed out as Exhibits 13 and 14 as  
22 well.

23 Q Okay. Those are the supplementals.

24 Thank you for reminding me. Did you have an

1 opportunity to review all of the documents?

2 A Yes.

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

6 A No.

7 MR. PINELLI: Thank you. Mr. Chairman, I  
8 would move for admission of Board Exhibits 1  
9 through 14, without objection from the applicant.

10 CHAIRMAN FORTUNA: These exhibits are  
11 admitted without objection.

12 MR. PINELLI: Thank you.

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

15 BY MR. PINELLI:

16 Q Now, sir, you are applying for this Duty  
17 Disability benefit based upon an injury that you  
18 sustained on December 27th of 2019; is that  
19 correct?

20 A Correct.

21 Q Understanding that the Board has your  
22 sworn statement, could you please briefly describe  
23 for us today where you were and what happened to  
24 you to cause this injury?

1           A     Sure.  On that day, December 27, 2019, I  
2     was on a call and we were carrying the patient in a  
3     stair chair and as we were going down the stairs, I  
4     was carrying at the top and my partner John Price  
5     and Firefighter Steve Challis I believe were  
6     carrying at the bottom of the chair.

7                     One of them must have lost their balance  
8     or their footing which caused the chair to tip to  
9     the left and back towards me, which caused me to  
10    sit down on the stairs and that all caused a pain  
11    in my left arm.

12           Q     Okay.  Is that essentially your arm,  
13    including your left elbow; is that correct?

14           A     Correct.  I felt a sharp pain in the  
15    inside of my left elbow.  I was then seen in the  
16    emergency room and went to go see an orthopedic  
17    surgeon and since then I have had three shots of  
18    cortisone, I had surgery, I have had three  
19    different types of therapy, multiple different  
20    drugs and none of which has seemed to make much of  
21    a difference.

22           Q     Before we get into the treatment, let me  
23    just return to the incident quickly.  Do you recall  
24    at all whether the patient that you were

1 transporting was that patient average size, you  
2 know, more than average? How would you describe  
3 the patient, if you recall?

4 A Sure. A little heavy. I'd say maybe  
5 about 300 pounds, that is why we had two people at  
6 the bottom of the chair. But the way the stairs  
7 were, it was an old staircase and it was kind of  
8 windy and rickety, so it was just easier to have  
9 one person at the top and two people at the bottom.

10 Q Okay. Now moving onto your treatment  
11 again, had you ever had any injuries to your left  
12 elbow before this incident?

13 A No, never.

14 Q And you mentioned that you underwent some  
15 conservative treatment before having the surgery;  
16 is that correct?

17 A Correct.

18 Q Ultimately, though, you ended up needing  
19 and having the surgery; is that correct?

20 A Correct.

21 Q Was the surgery performed on July 27th of  
22 2020?

23 A That sounds right.

24 Q Following the surgery you underwent some

1 more physical therapy and so forth to help you  
2 regain your use of the elbow; is that correct?

3 A Yeah. He sent me to occupational therapy  
4 first and then he sent me to physical therapy.

5 Q Okay. And then ultimately did they also  
6 recommend and have you attempt to undergo some Work  
7 Hardening following that physical therapy?

8 A Yes. He said that it was kind of like a  
9 last resort to see if that would do anything for my  
10 injury and to try to get me back to work but it  
11 didn't really make much of a difference. I am  
12 still having pain in my arm and limited range of  
13 motion. So now he has started assessing me for  
14 what is called Maximum Medical Improvement. And he  
15 said that he is going to give me a Functional  
16 Capacity Evaluation, a general one for that, which  
17 he says he gives to everybody as part of assessing  
18 them for MMI.

19 Q Okay. When you say "he", you are  
20 referring to Dr. Visotsky?

21 A Yes.

22 Q He is the surgeon that performed the  
23 surgery, correct?

24 A Correct.

1           Q     At this point he told you he's not  
2           determined that you're at MMI today; is that  
3           correct?

4           A     Correct. He said that I am obviously not  
5           ready to go back to work, but he thinks that he has  
6           exhausted all treatment options so he's sending me  
7           to the Functional Capacity Evaluation to basically  
8           prove that.

9           Q     I think you described briefly your  
10          limitations. Is there anything else about the  
11          condition of your left elbow today that you haven't  
12          described to the Board?

13          A     As far as pain or limitations?

14          Q     Yes. Limitations and/or pain.

15          A     Well, as I mentioned I have limited range  
16          of motion so if I go to extend my arm straight I  
17          get a sharp pain in it. If I grip or turn  
18          something like opening a jar or driving for a while  
19          with my left arm, it causes a lot of pain. And  
20          also picking up and carrying anything like a heavy  
21          grocery bag or a box or anything or even picking up  
22          my dog causes a lot of pain in my arm.

23          Q     Okay. Are you taking any medications  
24          prescribed by your doctor to treat the pain?



1           A     Yes, I am taking -- it is a strong  
2     anti-inflammatory. I believe it's called  
3     Nabumetone.

4           Q     Since you went on layup have you engaged  
5     in activity by which you earn income?

6           A     I haven't engaged in any activity. I do  
7     own a website that I get passive income from. I  
8     haven't done any work on it actively but I am  
9     getting income from it.

10          Q     Are you engaged in any other activity in  
11     which you're required to perform physical activity  
12     that would involve the use of your left elbow?

13          A     No, sir.

14          Q     Do you have an appointment scheduled with  
15     Dr. Visotsky?

16          A     I am going to schedule the Functional  
17     Capacity Test and then he wants to see me after  
18     that.

19                   MR. PINELLI: Thank you. That is all the  
20     questions of this applicant.

21                   CHAIRMAN FORTUNA: Trustees, any  
22     questions?

23                   Okay, Vince.

24                   MR. PINELLI: Hearing none, then I would

1 proceed to call Dr. Peters.

2 (Witness previously sworn.)

3 MICHAEL I. PETERS, M.D.

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

6 EXAMINATION

7 BY MR. PINELLI:

8 Q Sir, could you please state your name?

9 A Michael I. Peters.

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

11 A Yes.

12 Q Is a copy of your qualifications as a  
13 physician attached to the Board Exhibits?

14 A Yes, it is.

15 Q Do you perform a function for this fund?

16 A Yes.

17 Q And in that capacity as a consultant to  
18 the Fund, do you examine medical records, interview  
19 or examine applicants and report to the Board?

20 A Yes, I do.

21 Q Did you follow that procedure with  
22 respect to Mr. Flintz?

23 A Yes.

24 Q Did you file a written report with the

1 Board that is marked as Board Exhibit Number 2?

2 A Yes, I did.

3 Q Doctor, could you please just summarize  
4 for us the state of his current condition?

5 A Yes. He completed as he described an  
6 operative repair of the common medial flexor tendon  
7 to his left elbow in July and he went through  
8 therapy and work conditioning. But the therapist  
9 most recently advised that he not have the FCE now  
10 because he really wasn't progressing through  
11 therapy at this time well enough, that he still had  
12 significant medical left elbow pain and he does not  
13 have full extension at the elbow so he was assessed  
14 at being 15 degrees less than full so he can't  
15 straighten his elbow out all the way.

16 Q Did you receive some updated reports or I  
17 shouldn't say updated but more current records with  
18 respect to his treatment after the original Board  
19 Exhibits?

20 A Yes. Those were dated January 7, 2021  
21 from his therapist Allison Welsh and also there is  
22 an order from Dr. Visotsky for a FCE dated to be  
23 scheduled on February 11, 2021.

24 Q Doctor, with respect to your interview of

1 the applicant which you conducted prior to today's  
2 date was the information he provided you consistent  
3 with what you saw in the medical records?

4 A Yes, it was.

5 Q Based upon the physical limitations that  
6 you just described that he has, would you in your  
7 opinion feel that he could perform his full  
8 unrestricted duties as a Paramedic with the Fire  
9 Department?

10 A No.

11 Q Doctor, just one quick final question.  
12 So he hasn't been determined to be at MMI. His  
13 doctor is awaiting the results of a FCE. Based on  
14 that, if he has the FCE would you want to either  
15 reexamine him earlier or case management him just  
16 to see what the results of that FCE are and his  
17 doctor's final opinion?

18 A I would recommend that I do both. I  
19 would recommend that I have a physically present  
20 examination with him, perhaps at Northwestern, so  
21 that I can see the range of motion he has to his  
22 elbow. Ideally he is going to continue therapy  
23 until his FCE to see if he can approve the range of  
24 motion. And I'd like to see the results of the FCC

1 to determine whether it is valid and what level of  
2 physical demand he can achieve.

3 Q Based on that then I assume one of the  
4 trustees will make a motion for case management and  
5 you will proceed accordingly, would that be  
6 appropriate?

7 A I think so, yes.

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

10 CHAIRMAN FORTUNA: Any questions for Dr.  
11 Peters?

12 MEMBER MURPHY: Mr. President, I would  
13 like to make a motion to grant the benefits  
14 requested by Scott Flintz.

15 MEMBER NANCE-HOLT: Second.

16 CHAIRMAN FORTUNA: There's a motion by  
17 Trustee Murphy. Seconded by Trustee Holt.

18 Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: Trustee Annette Holt.

21 MEMBER NANCE-HOLT: Yes.

22 CHAIRMAN FORTUNA: Trustee  
23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

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

12 CHAIRMAN FORTUNA: Motion for reexam by  
13 Trustee Murphy. Seconded by Trustee Soni.

14 MR. PINELLI: On the question, Mr.  
15 President, if I may.

16 I think the doctor has recommended,  
17 instead of a reexam with our policy, which is our  
18 normal practice, that because of this FCE and his  
19 current state, that perhaps we do a case  
20 management. So, typically, if that is the case,  
21 then instead of a motion to reexam him consistent  
22 with our policies, the trustees would make a motion  
23 to have him engage in case management under the  
24 doctor.

1           So I just ask that perhaps if you agree  
2           with that you could withdraw the motion and make a  
3           motion for case management.

4           CHAIRMAN FORTUNA: We are going to  
5           withdraw that motion and we're going to make a  
6           motion for case management.

7           MEMBER MURPHY: Mr. President, I'd like  
8           to make a motion for case management consistent  
9           with counsel's advice.

10          MEMBER SONI: Second.

11          CHAIRMAN FORTUNA: There's a motion by  
12          Trustee Murphy. Seconded by Trustee Soni.

13          Trustee Valencia.

14          MEMBER VALENCIA: Yes.

15          CHAIRMAN FORTUNA: Trustee Annette Holt.

16          MEMBER NANCE-HOLT: Yes.

17          CHAIRMAN FORTUNA: Trustee

18          Conyears-Ervin.

19          MEMBER CONYEARS-ERVIN: Yes.

20          CHAIRMAN FORTUNA: Trustee Soni.

21          MEMBER SONI: Yes.

22          CHAIRMAN FORTUNA: Trustee McPhillips.

23          MEMBER MCPHILLIPS: Yes.

24          CHAIRMAN FORTUNA: Trustee Tebbens.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

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

11 MEMBER CONYEARS-ERVIN: Second.

12 CHAIRMAN FORTUNA: There's a motion to  
13 adopt the Findings of Fact by Trustee Murphy.

14 Seconded by Trustee Conyears-Ervin.

15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Annette Holt.

18 MEMBER NANCE-HOLT: Yes.

19 CHAIRMAN FORTUNA: Trustee

20 Conyears-Ervin.

21 MEMBER CONYEARS-ERVIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Soni.

23 MEMBER SONI: Yes.

24 CHAIRMAN FORTUNA: Trustee McPhillips.



1 MEMBER MCPHILLIPS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 Scott, based on the Findings of Fact made  
7 by the Trustees, the Trustees voted to grant the  
8 benefit that you have requested. You will be  
9 notified by mail of the Findings of Fact and the  
10 Board's decision.

11 Thank you and good luck.

12 MR. FLINTZ: Thank you. Thank you, guys.

13 MR. PINELLI: You're welcome.

14 MS. BURNS: Before we move to another  
15 matter, will the record please reflect that Trustee  
16 Tebbens has indicated that he would like to be  
17 recorded as voting in the affirmative on all  
18 routine matters that have preceded this point in  
19 the meeting, including the disability that was just  
20 considered. He has indicated for the record that  
21 he heard everything and he attempted to vote on the  
22 roll call votes but due to technical difficulties  
23 was unable to be heard. Is that correct, Trustee  
24 Tebbens?

1 MEMBER TEBBENS: It is, thank you.

2 MS. BURNS: Thank you, sir.

3 MEMBER MURPHY: Mr. President, I'd like counsel to  
4 speak on the Occupational Disability application of  
5 Ricardo Gomez from Engine 7.

6 MR. PINELLI: Yes, thank you, Mr.  
7 Secretary.

8 So this matter comes before the Board  
9 today on your docket with respect to the  
10 application of Ricardo Gomez for an Occupational  
11 Disease Disability Benefit.

12 By way of brief recall of this matter, it  
13 was before you in November. At that time the Board  
14 took a vote and there was a four to two vote to  
15 grant, which failed for lack of the required  
16 statutory required number of five yes votes.

17 Following that, there was then a motion  
18 to deny, which passed based upon those votes.

19 At that time the matter was put over as  
20 we typically do for the drafting and preparation of  
21 a Finding of Fact consistent with the Board's vote.

22 Between the two meetings, Mr. Gomez  
23 retained counsel, Mr. Jerry Marconi.

24 Is Mr. Marconi present on the call at

1 this time?

2 MS. BURNS: Vince, do you recognize Mr.  
3 Marconi's number?

4 MR. PINELLI: I don't.

5 MS. BURNS: Marc, can you please verify  
6 if any of these numbers on screen are Attorney  
7 Jerome Marconi? Here it is, Attorney Jerome  
8 Marconi is shown.

9 MR. TORRES: He should be on, along with  
10 Ricardo Gomez.

11 MS. BURNS: Mr. Marconi, if you are on  
12 the phone, please unmute. Or, Marc, if you can  
13 unmute them, please do so. I see Mr. Gomez is  
14 there.

15 Vince, do you want to present Mr.  
16 Marconi's motion?

17 MR. PINELLI: I can continue to describe  
18 what has happened.

19 Mr. Gomez, can you hear us? Can you  
20 respond, Mr. Gomez?

21 MR. GOMEZ: Hello.

22 MR. PINELLI: Mr. Gomez?

23 MR. GOMEZ: Yes. I just wanted to  
24 mention my attorney just texted me and he's having

1 trouble getting on the call. Is there any way you  
2 guys can help him get on the call or maybe they can  
3 call him?

4 MR. PINELLI: We are attempting to fix  
5 that right now.

6 MR. GOMEZ: I also had problems this  
7 morning getting on, I had to call Lori.

8 MR. PINELLI: Why don't you suggest Mr.  
9 Marconi do the same and call Lori.

10 MR. GOMEZ: I am going to text him to  
11 call Lori.

12 MR. PINELLI: Okay.

13 MR. GOMEZ: Give me one minute so I can  
14 text him. Thank you, I appreciate it, Board.

15 MS. BURNS: Would you want to go into  
16 closed session to do this?

17 MR. PINELLI: It might be better use of  
18 time if I can get the Trustees up to speed so by  
19 the time Mr. Marconi gets on they will be able to  
20 address the matter.

21 MR. GOMEZ: He said he is going to try to  
22 call again right now. He is going to try right now  
23 to call up.

24 MS. LUND: This is Lori. I did contact

1 Marc and we gave him a new phone number to try, a  
2 local number, so he is trying on that one.  
3 Hopefully, he can get in that away.

4 MR. PINELLI: Do you want to wait a few  
5 minutes or do you want to go into executive  
6 session, whatever the Board prefers?

7 MS. BURNS: Let's use time, let's go into  
8 executive session.

9 MEMBER MURPHY: I'd like to make a motion  
10 consistent with counsel's recommendation to go into  
11 executive session.

12 CHAIRMAN FORTUNA: There's a motion by  
13 Trustee Murphy to go into executive session.

14 MS. BURNS: Pursuant to Sections 2(c)4  
15 and 2(c)11 of the Open Meetings Act. Roll call  
16 vote.

17 MEMBER MCPHILLIPS: Second.

18 CHAIRMAN FORTUNA: Seconded by Trustee  
19 McPhillips.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Annette Holt.

23 MEMBER NANCE-HOLT: 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 Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 (Whereupon, the Board went into  
12 executive session off the record.

13 No action was taken in Executive  
14 Session.)

15 MR. PINELLI: We are back on the matter  
16 of Ricardo Gomez. We now have Mr. Marconi, counsel  
17 for Mr. Gomez, on the call.

18 MR. MARCONI: If you can hear me, it  
19 sounds like I am unmuted now.

20 MR. PINELLI: We can hear you.

21 MR. MARCONI: Perfect.

22 MR. PINELLI: Can you hear us?

23 MR. MARCONI: I can hear you. I could  
24 always hear you, you just couldn't hear me.

1 MR. PINELLI: Got it. Okay, that is  
2 straightened away. How about Mr. Gomez?

3 MR. GOMEZ: I am present.

4 MR. PINELLI: Very well. Before you got  
5 on, Mr. Marconi, I was just introducing this matter  
6 to the Board in terms of it is on the docket today  
7 consistent with your prior request at the December  
8 meeting that it be put over in order for you to  
9 review the transcript and other materials and then  
10 for you to present this motion that you had  
11 previously filed and that motion is entitled Motion  
12 for Full Vote to Determine Disability.

13 You and I had had the discussion between  
14 the two board meetings about your intention with  
15 respect to that motion and my understanding was  
16 that it was your desire to make this motion based  
17 upon the fact --

18 MEMBER MCPHILLIPS: Are we out of  
19 executive session?

20 MR. PINELLI: Yes. We are in the Gomez  
21 matter and I am speaking with Mr. Gomez's attorney.

22 And it was your intention, Mr. Marconi,  
23 of course you will speak, that due to the  
24 circumstance of Trustee Soni who had been present

1 for part of the evidence but then had to leave the  
2 meeting because of other obligations, work  
3 obligations, and was not present for the final vote  
4 and that it was your intention in filing this  
5 motion that you were asking the Board to be allowed  
6 to have her review the transcript and cast a vote  
7 in this matter. That is my understanding of the  
8 intent of your motion, can you confirm that?

9 MR. MARCONI: Yes, I think you accurately  
10 summarized it. When I filed the motion, I didn't  
11 have a copy of the transcript so I didn't really  
12 know what was going on. I think when we discussed  
13 it, I raised the issue that this is a very unique  
14 situation because of the fact that we are doing  
15 this on telephone and Mr. Gomez could not see who  
16 was present, who was not present.

17 And I think what makes it unique is you  
18 properly admonished Mr. Gomez prior to the start of  
19 the hearing, asked him if he wanted an attorney, he  
20 said no and then you indicated there were seven  
21 board members and you asked him if he wished to  
22 proceed with seven board members and then at the  
23 end of the day unbeknownst to Mr. Gomez there were  
24 six board members who voted. And as you know



1 pursuant to statute you need the majority of the  
2 full board which was five.

3 So I think the only thing I raised in my  
4 motion is I am not sure if Mr. Gomez -- I assume he  
5 would not have proceeded if he needed five out of  
6 six.

7 Correct me if I am wrong, but that is  
8 pretty much what we discussed between the two board  
9 meetings.

10 MR. PINELLI: That's correct.

11 Essentially, it was your intention to  
12 have Trustee Soni vote if she felt it was  
13 appropriate and necessary and was willing to do it  
14 if she wanted to. But it was not intended to have  
15 a brand new vote by a brand new board after that  
16 vote had already been taken; isn't that correct?

17 MR. MARCONI: Right. I think I raised it  
18 in the motion with Trustee Holt who was not present  
19 at all and then Trustee Tebbens who was not a board  
20 member at the time who is now a board member. But  
21 I think in our discussions you indicated that would  
22 be against board policy and rules and the unique  
23 circumstances here is Trustee Soni.

24 MR. PINELLI: Okay. So then your motion

1 is basically to ask the Board to open the record to  
2 allow Trustee Soni, if she so chooses, to cast a  
3 vote in this matter; is that correct?

4 MR. MARCONI: Yes.

5 MR. PINELLI: Okay. Then that matter is  
6 before the Board. So I would ask the board  
7 members, assuming that there is a motion before you  
8 that is styled as just indicated by Mr. Gomez that  
9 he be allowed -- that the record be allowed to be  
10 open for the sole purpose of allowing Trustee Soni  
11 to cast a vote, if she so chose, in this matter.  
12 On that motion is there a motion to grant it?

13 MEMBER MURPHY: I would like to make a  
14 motion consistent with Fund counsel.

15 MEMBER NANCE-HOLT: Second.

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

18 Trustee Murphy.

19 MEMBER MURPHY: No.

20 MEMBER CONYEARS-ERVIN: Wait, I am  
21 confused. Is Trustee Holt seconding this? Wait,  
22 what is this motion?

23 MR. PINELLI: The motion is a motion to  
24 grant the request by Mr. Gomez to reopen the record

1 for the purpose of having Trustee Soni cast a vote  
2 in this matter, that is the motion, whether to  
3 grant that request or not.

4 CHAIRMAN FORTUNA: So there is a motion  
5 and second and Mr. Murphy just voted no. Okay.

6 MR. PINELLI: Roll call vote. It  
7 requires a roll call vote.

8 CHAIRMAN FORTUNA: Murphy is a no.  
9 Trustee Annette Holt.

10 MEMBER NANCE-HOLT: No.

11 CHAIRMAN FORTUNA: Trustee  
12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: No.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: No.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: No.

20 CHAIRMAN FORTUNA: And I am a no.

21 MS. BURNS: Trustee Tebbens, would you  
22 like to vote?

23 MEMBER TEBBENS: Yes. I abstain.

24 MEMBER MURPHY: Mr. President, counsel

1 has previously sent around proposed Findings of  
2 Fact and conclusions of law in this matter. Having  
3 had a chance to review those, I make a motion to  
4 adopt the Findings of Fact and conclusion of law in  
5 this matter.

6 MEMBER VALENCIA: Second.

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

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Annette Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee  
14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.

19 MEMBER MCPHILLIPS: No.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Abstain.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MR. PINELLI: That motion carries, so  
3 this matter is now concluded. There is a final  
4 decision of the Board and copy of the Board's  
5 Findings of Fact will be sent as you know to  
6 counsel for Mr. Gomez and at that point then he  
7 would have the requisite statutory time to a file  
8 an appeal if he so chooses.

9 MR. MARCONI: Okay.

10 MR. PINELLI: Thank you, that concludes  
11 this matter.

12 MR. MARCONI: Thank you.

13 MEMBER MURPHY: I move to approve Board  
14 Physician Reviews of Disability Recipients.

15 MEMBER CONYEARS-ERVIN: Second.

16 CHAIRMAN FORTUNA: There is a motion by  
17 Trustee Murphy. Seconded by Trustee  
18 Conyears-Ervin.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee  
24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.

2 CHAIRMAN FORTUNA: Trustee Soni.

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Trustee McPhillips.

5 MEMBER MCPHILLIPS: Yes.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: Trustee Valencia.

9 MEMBER VALENCIA: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Mr. President, moving on  
13 to 6, Investments, I'd like to turn this over to  
14 Lorna who will walk us through the investment  
15 agenda.

16 MS. SCOTT: Marc, I will ask you to share  
17 the screen for the Investment Report. We'll start  
18 on Page 2 and jump right into performance.

19 December was another great month to be in  
20 the market. This chart shows a variety of the  
21 asset classes that the Fund was invested in. It  
22 was a month again where everything was positive.

23 You will see very strong performance  
24 coming out of U.S. small cap and that was at 8.7

1 percent ahead of U.S. large cap which is at 4.2.

2 As you know the Fund has more invested in  
3 small cap than in large cap so this dominance by  
4 small really help us versus the benchmark this  
5 month. It was an overweight all year but again  
6 helping this month.

7 Moving onto the next slide, it shows the  
8 asset classes for the year. Wow, when you look at  
9 these returns, what a year in a world that turned  
10 upside down for us. We finally really got some  
11 great performance here.

12 Some themes that we see, U.S. growth  
13 stocks really dominated. They are up 38.3 percent.  
14 Way ahead of value which was up 2.9. That is a  
15 theme, growth outperforming value. With strong  
16 performance in November and December from small  
17 cap. Small cap did very close to large cap  
18 performance. Notice strong performance from  
19 emerging market equity but then you will see not  
20 everything was positive. You can see that on the  
21 right side of the chart. Commodities and REITS  
22 remain in negative territory for the year. These  
23 allocations will detract from our total performance  
24 but in both cases active management helped.

1           So, for instance, with commodities, the  
2 index was down negative 3.1 percent but our active  
3 management you were actually flat to positive. We  
4 were up 0.32 percent. The same thing with REITS.  
5 The index is down 9 percent but our managers were  
6 down less than that, they were down 3 percent.  
7 Active management did help in those areas.

8           Looking at Fund performance, the next  
9 slide, this slide for the month of December, the  
10 Fund was up 4.3 percent outperforming the benchmark  
11 by 1.6 performance. For the year, the Fund is up  
12 12.3 percent. Again, slightly behind the benchmark  
13 but what a phenomenal year. I just can't emphasize  
14 enough how far we have come. We ended the year  
15 strongly up 12.3 percent.

16           The next slide breaks down the  
17 performance versus the benchmark. Again, we  
18 performed differently from the benchmark in two  
19 ways. Asset allocation had different weights than  
20 the benchmark and then style, that's usually active  
21 management and style bets.

22           So for the month the Fund outperformed  
23 the benchmark. That outperformance is primarily  
24 due to manager and style selection. That is more



1 specifically that strong performance by the mid-cap  
2 value in growth stocks.

3 For the year, the slight underperformance  
4 is due to negative contributions to allocation  
5 differences, which is offset by positive  
6 contributions from the manager and style  
7 performance.

8 The next slide breaks it down a little  
9 bit closer. So on this slide we can see the Fund  
10 is up 12.3 percent. We see that in column three.  
11 The benchmark is up 12.4 percent.

12 We are going to focus on those last three  
13 columns and these columns show us what is  
14 contributing to the Fund performance versus the  
15 benchmark performances.

16 First, allocation. Again different  
17 weights than the benchmark. In this column we see  
18 that holding cash in a strong up market versus the  
19 benchmark that doesn't have any cash hurt. Holding  
20 cash cost us 50 basis point. 50 basis points in  
21 underperformance versus the benchmark.

22 Looking at selection, the biggest  
23 detractor for performance versus the benchmark is  
24 coming from liquid diversifying. Most of that is

1 due to the underperformance by Black Rock's  
2 portfolio and we talked about this last month.

3 You will notice for the other asset  
4 classes, manager selection has been positive. Our  
5 active management, our style bets, all positive  
6 relative to the benchmark.

7 Again, in summary, it was a very good  
8 year. We lost a little bit on asset allocation  
9 differences. We gained it back due to strong  
10 manager performance and style selection.

11 The next slide shows our allocation to  
12 MWDBE firms. We are below our goal, our MWDBE  
13 goal, our total goal. We will have our official  
14 review of these goals and the minority brokerage  
15 utilization goals at next month's meeting. But at  
16 this point, I don't see us changing these goals as  
17 it's going to be difficult to achieve or even  
18 exceed these goals as they are. We won't have --

19 MR. TORRES: Lorna, you are cutting out a  
20 little bit.

21 MS. SCOTT: You have to tell me because I  
22 can't tell what is going on with the audio.

23 I guess the point here is that to achieve  
24 these goals as they are it's going to be difficult.

1 We will either do it by changing managers or  
2 changing our asset allocation. We are due for a  
3 new asset allocation study this summer and we do  
4 have a couple managers on the watchlist so there's  
5 a possibility that we might have some changes but  
6 it is to be determined.

7 MEMBER CONYEARS-ERVIN: Lorna, can we  
8 talk about a plan of action next month?

9 MS. SCOTT: We will have some more ideas  
10 next month. As of right now, Madam Treasurer,  
11 there's nothing we can do now, unless we change  
12 managers, unless we change asset allocation.

13 There is a possibility that that stuff  
14 might happen because we do have managers on the  
15 watchlist and we do have an asset allocation  
16 review, but neither one of those are for sure going  
17 to happen so we can kind of further explore  
18 options.

19 MEMBER CONYEARS-ERVIN: Lorna, I know  
20 that you have been working on this and it is not  
21 just this area but it is in all areas so we can  
22 discuss further and certainly also just maybe -- we  
23 will talk about it. Go ahead.

24 MS. SCOTT: Just know that I put this out

1 here so we can look at it and everyone is aware it  
2 is here. I am not trying to bury it.

3 MEMBER CONYEARS-ERVIN: Definitely I know  
4 that, thank you.

5 MS. SCOTT: So moving onto the next  
6 slide, we will skip this one, skip the next one, so  
7 Fund Summary. This slide it translates the 12.3  
8 percentage return into dollars and sometimes the  
9 dollar returns is a little more relatable.

10 Looking at the 2020 column, it summarizes  
11 the year. We started the year with \$883 million.  
12 Throughout the year we received contributions to  
13 pay benefits and that net result was a reduction of  
14 assets of about 65 million. Hopefully, 2020 will  
15 be the last year of asset reduction.

16 Then we had earnings of 12.3 percent and  
17 that was roughly \$108 million. Again performance  
18 added a \$108 million. Direct fees of about  
19 \$5 million. Leaving us with a net increase in  
20 investment earnings of about \$103 million. That  
21 \$103 million was enough to offset -- to cover that  
22 \$65 million withdrawn but at least with a net add  
23 it was about \$73 million for the year. Again, a  
24 good year.

1           So let's move on to Manager Returns. So  
2 normally I leave this report for your review but  
3 given this year and the very strong returns we have  
4 I'd like to take a minute to kind of awe and admire  
5 some of the returns our managers came up or  
6 achieved for us I should say.

7           One I will point out is Jackson Square  
8 right in the middle of the page. They are a  
9 mid-cap growth manager, they run a concentrated  
10 portfolio, they were up 66 percent this year.

11           Moving onto the next slide, Private  
12 Market Cash Flows. This slide shows the cash flows  
13 from private markets for the year. Like the chart  
14 says, we had capital calls in March and April and  
15 we had more in November and December. In fact,  
16 Adams 2020, which was a new investment, did call  
17 capital during the year.

18           For the year, the program was a net draw  
19 on cash. We had capital calls of about \$800,000.  
20 We currently have unfunded commitments of \$53  
21 million so we do expect to be drawn down over the  
22 next three years on this.

23           The next item on the agenda is the  
24 Security Lending Report. This again is our

1 quarterly check-in on security lending.

2 This first slide is the list of borrowers  
3 of our securities as of December 31st. So the Fund  
4 had \$73 million out on loan and spread across all  
5 of these borrowers.

6 You will note most of these borrowers --  
7 these borrowers have good ratings. We're not  
8 concentrated with any one borrower and we have  
9 received a comfort level of collateral so it is a  
10 good review.

11 The next slide looks at our security  
12 lending income for the year. For the year, we have  
13 grossed \$482,000 in security lending income.  
14 Northern's fee as agent for the program was  
15 \$120,000 so that leaves us with \$362,000 in  
16 security lending income for the year.

17 Finally, the last side is how much of our  
18 portfolio was out on loan to earn \$362,000.  
19 Approximately 14 percent for the total securities  
20 available to loan, on loan, which is about 9  
21 percent of the total fund.

22 The next item on the agenda is the  
23 investment consultant RFP.

24 Marc, I will ask you to switch to the

1 summary, Investment Consultant RFP Summary.

2 So Callan's contract is up on June 30th  
3 of this year. Yes, five years have gone by very  
4 quickly. So the plan is to issue a RFP for  
5 investment consulting services in line with the  
6 Illinois Pension Code requirement.

7 So there's a draft of the RFP in board  
8 pack and I have summarized key points of the RFP.

9 We are seeking a consultant that has at  
10 least seven years experience advising public fund  
11 assets and those plans should to be about 5 billion  
12 in size.

13 We are asking that the consultant have  
14 resources geared toward helping us with our MWDBE  
15 goals.

16 We do have a preferred requirement that  
17 the lead consultant be based or have offices in  
18 Chicago and that consultant should have at least  
19 ten years of experience.

20 The timeline is as we presented. The  
21 idea is we launch today. We will receive responses  
22 by March 1st. Hopefully have finalist  
23 presentations in May and that would give us a month  
24 to negotiate a contract.

1           So if there are no questions or concerns  
2           on the RFP, I am seeking a motion to approve the  
3           issuance of the investment consultant RFP.

4           MEMBER CONYEARS-ERVIN:   And Callan can  
5           re-apply?

6           MS. SCOTT:   Absolutely.

7           MEMBER MURPHY:   Mr. President, consistent  
8           with the requirements of the Pension Code, I make a  
9           motion to approve the issuance of the RFP for  
10          investment consultant services as presented.

11          CHAIRMAN FORTUNA:   Motion by Trustee  
12          Murphy.

13          MEMBER MCPHILLIPS:   I will second it.

14          CHAIRMAN FORTUNA:   Seconded by Trustee  
15          McPhillips.

16          Trustee Murphy.

17          MEMBER MURPHY:   Yes.

18          CHAIRMAN FORTUNA:   Trustee Holt.

19          MEMBER NANCE-HOLT:   Yes.

20          CHAIRMAN FORTUNA:   Trustee  
21          Conyears-Ervin.

22          MEMBER CONYEARS-ERVIN:   Yes.

23          CHAIRMAN FORTUNA:   Trustee Soni.

24          MEMBER SONI:   Yes.



1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MS. SCOTT: Now I will move to the cash  
10 needs. I will turn it over to Jackie.

11 MEMBER CONYEARS-ERVIN: Lorna, are these  
12 the final numbers for 2020?

13 MS. SCOTT: Pretty final. You will see  
14 some changes to the benchmark but...

15 TRUSTEE CONYEARS-ERVIN: My question is  
16 we will be discussing this next month looking at  
17 the 2020 finals?

18 MS. SCOTT: The performance, 2020, yes,  
19 Brady will have his quarterly review next month.

20 MEMBER CONYEARS-ERVIN: That is what I  
21 want to know. Thank you. All right.

22 MS. VLAHOS: Our cash needs for January,  
23 I am to going to start with the reconciliation. As  
24 of January 15th, last Friday, in our Chase account

1 and Fidelity account we had \$6.3 million. We are  
2 anticipating an additional \$1.85 million in salary  
3 contributions by the end of the month. Giving us a  
4 total cash available for January of \$8.2 million.

5 Our benefits currently for January is  
6 going to be around \$31.6 million and with our added  
7 expenses, the Refunds, Death Benefits, brings us to  
8 a total for expenditures of \$33.97 million dollars.  
9 Likely anticipated, this is common, as in January  
10 we are going to have to have a drawdown because we  
11 are going to have a shortage of approximately \$25.8  
12 million. This is just kind of due to usually  
13 December and January. They are two of our months  
14 where we don't really receive any tax receipts.

15 If we go onto the next page, this is our  
16 cash flows, once again as of January 15th. And as  
17 you can see, like we have already kind of  
18 anticipated is in January we are suggesting a  
19 drawdown to cover all of our expenditures for this  
20 month of \$26 million.

21 Hopefully, as long as the receipts come  
22 in early enough for February, we shouldn't have  
23 more draw downs for the remainder of the year as  
24 well as in 2022. First time ever I have ever seen

1 in my 15 years here, no drawdowns anticipated at  
2 all so that is good news for us.

3 Is there any additional questions?

4 I think Lorna is going to cover further  
5 where she's going to suggest that we get this money  
6 to cover our benefits for January.

7 MS. SCOTT: If you look at the  
8 rebalancing template, so the first column shows our  
9 allocation as of January 15th. At the very bottom  
10 of the first column, you can see current cash at  
11 Northern \$1.7 million. Jackie needs \$26 million to  
12 replenish the Chase account.

13 Looking at the second column in yellow,  
14 we are proposing raising cash from the Fund's  
15 equity managers; i.e. trimming the winners. So  
16 taking \$19.5 from U.S. equity and \$5 million from  
17 international equity.

18 Looking at the last column, it shows the  
19 difference versus the policy target after the cash  
20 withdrawal. Looking at our asset allocation after  
21 this withdrawal, we will remain very close to  
22 target. We will be under allocated in private  
23 equity offset by over allocations in U.S. equity  
24 and international equity, primarily in small cap.

1 Generally, we will be within target everywhere  
2 else.

3 I am looking for a motion to raise up to  
4 \$24 and a half million as indicated on the  
5 rebalancing template.

6 MEMBER MURPHY: Based on the  
7 recommendations of the Fund CIO and the Fund's  
8 Investment Consultant, I'd like to make a motion to  
9 approve the liquidation of up to \$24.5 million, at  
10 such time and in such manner as the CIO on  
11 determines.

12 CHAIRMAN FORTUNA: Motion by Trustee  
13 Murphy. Is there a second?

14 MEMBER MCPHILLIPS: I will second.

15 CHAIRMAN FORTUNA: Seconded by Trustee  
16 McPhillips.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Holt.

20 MEMBER NANCE-HOLT: Yes.

21 CHAIRMAN FORTUNA: Trustee  
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MS. SCOTT: That concludes the Investment

11 Report.

12 CHAIRMAN FORTUNA: Thank you.

13 MEMBER MURPHY: Mr. President, moving

14 onto Expenditures. The Administrative Expenses for

15 Board Review and Approval. I move to approve those

16 expenses as presented.

17 MEMBER NANCE-HOLT: Second.

18 CHAIRMAN FORTUNA: Motion by Trustee

19 Murphy. Seconded by Trustee Holt.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Holt.

23 MEMBER NANCE-HOLT: Yes.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee 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'd like

14 to move to the Executive Director's Report.

15 Steve, would you please give us your

16 report?

17 MR. SWANSON: Thank you, very much.

18 First of all, I'd like to apologize for  
19 the communication issues we had at the beginning of  
20 the meeting. We did post a second number on our  
21 website so if anybody from the public does call in  
22 we also made our front desk aware so if they  
23 received any calls they could give them the second  
24 number. It looks like a number of people are

1 participating so hopefully that is resolved.

2 We're still not sure what happened. The  
3 phone number worked for some people and not for  
4 others.

5 The first item I have under my report is  
6 the consideration of the proposed 2021 Budget. I  
7 am actually going to ask Jackie if she wants to go  
8 over some of the specifics.

9 I would also like to thank Jackie for all  
10 her hard work on this. She put a lot of effort  
11 into this, getting everything together for us.

12 Jackie, if you will.

13 MS. VLAHOS: So I know you have for your  
14 review the 2021 Budget. I am going to go over a  
15 few of the highlights.

16 Basically, this budget is required by the  
17 Illinois statutes, that we have a budget and that  
18 it is approved in January of each year.

19 The way our budget works is we just go  
20 over our operating expenses. So the things that  
21 you are going to see that's not included is things  
22 like our benefit expenses as well as investment  
23 manager fees.

24 If you flip to the second page, if you

1 look at the 2021 preliminary Budget you can see  
2 that basically on the bottom for 2021 our Budget  
3 for our -- I think it is like the third page. You  
4 can see for our 2021 we proposing an operating  
5 budget to be approved of 3.6 million dollars.

6 You're going to see a change from this  
7 year compared to last year. One of the things we  
8 kind of changed a little bit, just for it to be  
9 more relevant, is normally what we would do we  
10 would compare our operating expenses compared to  
11 the new current budget that we are asking for.

12 However, due to Covid a lot of our  
13 expenses were extremely decreased so it kind of  
14 would be the same repetitive response as to why it  
15 decreased.

16 I think to be more in line of what our  
17 expenses normally are we looked at the 2020 Budget  
18 compared to the 2021 Budget.

19 As I was saying for 2021 you can see our  
20 total expenses was \$3.6 million. One of the things  
21 that I'd like to say approximately this is one  
22 penny of every dollar we spend into the Fund is for  
23 operating expenses. Our operating expenses are  
24 pretty low.



1           Just because if you remember from the  
2 cash flow, we usually have \$31.5 million per month,  
3 that is our expenses for benefits, so we are  
4 spending approximately \$378 million per year in  
5 benefits.

6           It kind of let's you get an idea of the  
7 3.6 million for salaries, legal fees, all of that  
8 is pretty low.

9           I am going to first touch on the items  
10 that are increased, that are relevant increases.  
11 So first thing we are going to look at, which I  
12 know we discussed before, is the insurance  
13 assurity. It is approximately a \$38,600 increase.

14           A lot is just due to like we discussed  
15 earlier in the year, I think in September, the  
16 fiduciary insurance premium has increased quite a  
17 bit. Since we approved it in September, obviously,  
18 it is prorated so it is half the year is in 2020  
19 and then, obviously, the fiduciary insurance for  
20 half year is into 2021.

21           The next increase I would like to speak  
22 about is the medical. It is approximately a  
23 \$15,000 increase. This is just due to basically --  
24 I was talking with Lori and I think that we are

1 proposing that there might be some more independent  
2 evaluations that might have to be done this year.

3 I believe you can correct me, Steve or  
4 Lori, but that is for more or like posttraumatic  
5 stress type things.

6 MR. SWANSON: That's correct, Jackie,  
7 that is where we would need an independent  
8 evaluation.

9 MS. VLAHOS: And then the last increase I  
10 wanted to discuss is going to be auditing, which is  
11 a \$20,000 increase. This isn't due to the change  
12 of auditor. This is actually due to the fact that  
13 we are required every two years to have an audit,  
14 that is requested by the Department of Insurance,  
15 that kind of looks overall our procedures and  
16 different things they want us to do. That has to  
17 be done every two years, so every other year you're  
18 going to see our auditing expense increase.

19 We also want to talk about some  
20 decreases. I thing some of things we have to talk  
21 about, maybe not in open, but you will see with  
22 office salaries there's a decrease.

23 Legal fees is something that we look at.  
24 We just kind of try to estimate. We usually look

1 at every two years. We looked at every three years  
2 just because last year it was decreased so much. I  
3 think a lot of that was due to the fact that the  
4 courts were closed, things like that. Obviously,  
5 this is an estimate. If something comes up that we  
6 need like a detailed litigation or something like  
7 that, obviously, that would come before the Board.

8 I also I think the last thing we want to  
9 discuss is just with the consulting. I know that  
10 also has decreased \$28.9 thousand. That was just  
11 due to we had proposed a project for with -- I  
12 think they were called Lauterbalk and at one point  
13 we thought we might obtain them to do a project for  
14 like scanning. But as of right now with Covid and  
15 stuff like that, we put some of these projects on  
16 the back burners because of the fact that I don't  
17 know when the office is going to reopen and what  
18 your priorities are going to be for this year.

19 If you look to the next page --

20 MEMBER SONI: Jackie, before you go to  
21 the next page. I'm sorry, this is Reshma. Could  
22 you repeat the auditing increase again, the  
23 increase of 20,000, that you went through?

24 MS. VLAHOS: Basically so this is going

1 to be one of the years, basically every other year,  
2 I believe it is Article 1 requires us to have an  
3 audit by the Department of Insurance, that we have  
4 to like to produce an audit and then we give our  
5 report to them. This happens to be that year.  
6 Last year we did not do it so every other year we  
7 have to turn it in.

8 Usually they do a really detailed audit  
9 about like benefit calculations, a lot of  
10 participant information, participants folders, to  
11 make sure all that is accurate that is being  
12 calculated correctly. It is a little bit more  
13 in-depth than a regular audit would be.

14 MEMBER SONI: Thank you.

15 MS. VLAHOS: If we go to the next page  
16 the five year, as you can see from our  
17 expenditures, our overall expenses for 2021, you  
18 can kind of see that our admin expenses have been  
19 pretty flat for the last five years. They have  
20 been relatively the same.

21 And then one of the things I'd like to  
22 point out is as far as for our employee benefits  
23 just because I know in 2019 we did a change for our  
24 insurance so we are still currently down like

1 approximately \$150,000 of what we normally would  
2 spend on our employee benefits, which actually is  
3 not on here. So our expenses are lower than we  
4 spent in 2015.

5 Salaries we can discuss a little bit  
6 later but that is an area that once again has been  
7 relatively flat. And if you can see that what we  
8 spent in 2015 of the 1.473 in salaries, currently  
9 around the same amount of what we would be spending  
10 in 2021.

11 I think that is all the highlights,  
12 unless someone else has any additional questions.

13 CHAIRMAN FORTUNA: Questions?

14 MEMBER MCPHILLIPS: Nice job, Jackie.

15 MS. VLAHOS: Thank you.

16 MEMBER MURPHY: Mr. President, I would  
17 like to make a motion to approve the 2021 budget as  
18 presented.

19 MEMBER MCPHILLIPS: Do we have to review  
20 the salaries first or shouldn't we review the  
21 salaries first?

22 MR. SWANSON: Yes, that is probably what  
23 you would want to do. I don't know if the Board  
24 wishes to go into closed session to review the

1 salaries and then there is another item on the  
2 agenda regarding a personnel matter. Maybe you  
3 want to touch on that as well while you're in  
4 closed session.

5 MEMBER MCPHILLIPS: I think that is good  
6 advice, Steve.

7 MEMBER MURPHY: Motion to go into closed  
8 session.

9 MEMBER MCPHILLIPS: Per Section?

10 MS. BURNS: 2(c)1.

11 MEMBER MCPHILLIPS: I will second that.

12 CHAIRMAN FORTUNA: Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Holt.

15 MEMBER NANCE-HOLT: 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 MS. BURNS: First, sir, would be a motion  
6 to approve the 2021 Budget.

7 MEMBER MURPHY: Based on the Executive  
8 Director's presentation, I move to approve the 2021  
9 Budget as presented, including raises for the CIO  
10 consistent with the other employees and cost of  
11 living.

12 MEMBER MCPHILLIPS: I will second that.

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

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Holt.

18 Trustee Conyears-Ervin.

19 MEMBER CONYEARS-ERVIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee McPhillips.

23 MEMBER MCPHILLIPS: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 And I am a yes.

4 Motion carries.

5 MS. BURNS: Trustee Holt, can you hear  
6 us?

7 MEMBER NANCE-HOLT: Yes, I can hear you.

8 MS. BURNS: Do you want to vote in the  
9 affirmative on the Budget as presented?

10 MEMBER NANCE-HOLT: Yes, I do. Yes.

11 We are having technology problems. I  
12 guess everybody is watching the inauguration.

13 CHAIRMAN FORTUNA: Motion carries.

14 MEMBER MURPHY: Mr. President, I'd like  
15 to make a motion consistent with counsel to appoint  
16 Sarah Boeckman as Executive Director, Interim  
17 Executive Director, on such terms are approved by  
18 the Fund President and Secretary.

19 CHAIRMAN FORTUNA: Motion by Trustee  
20 Murphy. Seconded by Trustee Soni?

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Holt.



1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 Thank you.

16 MEMBER MURPHY: Mr. President, moving

17 onto B, Certification of 2020 Trustee Education

18 Requirements.

19 MR. SWANSON: There is a certificate that

20 is present in board pack that is signed by the

21 President. It was confirmed by myself that the

22 Trustees have all met their hours. This is

23 submitted to the Department of Insurance. We send

24 it in. It is also submitted as part of our annual

1 filing in June. It is presented for the Board's  
2 approval that we have stayed consistent with the  
3 law and the Trustees have completed their eight  
4 hours of required training for the year.

5 MEMBER MURPHY: Mr. President, I'd like  
6 to move to approve the filing of the 2020 Trustee  
7 Education Certification, based on the Executive  
8 Director's presentation.

9 MEMBER CONYEARS-ERVIN: Second.

10 CHAIRMAN FORTUNA: There is a motion by  
11 Trustee Murphy. Seconded by Trustee  
12 Conyears-Ervin.

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Holt.

16 MEMBER NANCE-HOLT: Yes.

17 CHAIRMAN FORTUNA: Trustee

18 Conyears-Ervin.

19 MEMBER CONYEARS-ERVIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee McPhillips.

23 MEMBER MCPHILLIPS: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 MEMBER MURPHY: Mr. President, I would  
7 like move to legal update now. Mary Pat, can you  
8 give a legal update?

9 MS. BURNS: Yes, sir. Thank you.

10 There is not much to report. You have  
11 the case status report, which as you know for the  
12 last nine months has been one case, which is the  
13 Underwood case so that is good news that we're not  
14 seeing more litigation.

15 There is a matter involving an individual  
16 who I think we discussed before who has applied for  
17 an annuity benefit. He has been convicted of a  
18 felony. He is a former firefighter. We are going  
19 to need to schedule that matter for a hearing on  
20 whether or not the felony conviction relates to his  
21 employment such that he would forfeit his pension.

22 So with your permission, I'd like to be  
23 able to schedule that hearing for next month and we  
24 will get all the materials to the Board well in

1 advance.

2 I just wanted also to update the Board  
3 about a claim that has been made to our insurance  
4 policy just so the Board is aware of that claim.  
5 Trustee Martin has filed a complaint against one of  
6 our Trustees. The Trustee sued has submitted a  
7 claim for insurance coverage. The Fund's insurance  
8 company has agreed to accept the tender of that  
9 defense and as a result the Fund is responsible for  
10 the deductible. The deductible is not a major  
11 amount, however, it is \$1,000 but we wanted to  
12 apprise the Board of that claim and the deductible  
13 amount.

14 We have indicated to the insurance  
15 company that we would inform the Board. If the  
16 Board wants more information about this claim, let  
17 us know, but other than that it's just going to  
18 proceed as a routine matter.

19 Any questions on that matter?

20 The next issue is an action item. In the  
21 past this Fund has sent out letters that inform  
22 members who are retired of the contribution that  
23 they are required to make for their healthcare.  
24 This is really a City of Chicago-Local 2 issue. It

1 doesn't really involve the Fund but in the past  
2 this fund has sent out communications indicating to  
3 our members what the increase will be for that year  
4 which will then be taken out of their monthly  
5 annuity benefits.

6 We just received the information the  
7 other day and I guess Steve provided it to you  
8 yesterday. We haven't drafted a letter, but since  
9 I am sure members would like to know what they are  
10 going to be charged, what I would like to suggest  
11 at this time, sir, is whether the Board would be  
12 willing to entertain a motion to approve a  
13 communication to our members setting forth their  
14 healthcare deduction numbers for 2021 in such form  
15 as consistent with prior years letters.

16 MEMBER MURPHY: Mr. President, I'd like  
17 to make that motion to approve the communication.

18 MEMBER NANCE-HOLT: Second.

19 CHAIRMAN FORTUNA: Motion by Trustee  
20 Murphy. Seconded by Trustee Holt.  
21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Holt.

24 MEMBER NANCE-HOLT: 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 MS. BURNS: Then I think the last matter  
15 is just a legislative update. Steve, I don't know  
16 if we have gotten anything from our lobbyists.  
17 Maybe just a legislative update first.

18 MR. SWANSON: We have not. I don't know  
19 if you want to go into this, but there has been a  
20 change with the firm that we currently use.

21 MS. BURNS: Trustees should know though  
22 that Mr. Phelps is going to continue to service the  
23 Fund.

24 I thought maybe the Trustees would want

1 to know, I assume they have seen it in the paper,  
2 but --

3 MR. SWANSON: With House Bill 2451?

4 MS. BURNS: House Bill 2451 passed which  
5 removed the age restriction on the cost of living  
6 increase that is provided to Firefighters. That  
7 Bill has passed both the House and Senate but it is  
8 sitting on the Governor's desk and has yet to be  
9 signed.

10 We have that legislation. If anyone  
11 wants to see it, we will certainly submit it to the  
12 Trustees. We expect it to be signed in due course  
13 and when it does it will affect some of our numbers  
14 going forward, but again staff is always really  
15 good about letting the Trustees know about those  
16 increases.

17 MR. SWANSON: The legislation is in board  
18 pack for the trustees to review.

19 MS. BURNS: Great.

20 MR. SWANSON: A couple of trustees raised  
21 concern about there were some numbers in the paper  
22 in terms of how much this would cost going forward  
23 to provide this benefit. Those were not provided  
24 by the Fund, but if the Trustees do wish to have an

1 impact study done on this they can request it and  
2 our actuary could provide it and they gave me an  
3 estimated cost on that as well. So if the trustees  
4 are interested, they can have that done. I will  
5 just leave it at that.

6 CHAIRMAN FORTUNA: What is the cost for  
7 the impact statement?

8 MR. SWANSON: It is an estimate between  
9 four to five thousand dollars to complete that  
10 study.

11 CHAIRMAN FORTUNA: I think we need that.

12 MEMBER MURPHY: Mr. President, if I may,  
13 aren't we doing this in a few months anyway?

14 CHAIRMAN FORTUNA: Yes.

15 MEMBER MURPHY: Should we wait for May?  
16 Nobody requested it.

17 CHAIRMAN FORTUNA: Okay. I am good with  
18 that.

19 MS. BURNS: Steve, did you want to  
20 mention the Ethics Policy that you passed out?

21 It is a requirement every year that  
22 Trustees review the Fund's Ethics Policy and sign  
23 it just to make sure that you are in compliance. I  
24 am sure Sarah will followup with all of you in



1 Steve's absence.

2 If you could all look at that and make  
3 sure you sign the certificate page on that Ethics  
4 Policy and then get it back to the Executive  
5 Director that would be very helpful.

6 MR. SWANSON: Yes. Thank you.

7 MS. BURNS: That concludes legal updates,  
8 unless there are questions, and then you can go to  
9 the committee assignments.

10 CHAIRMAN FORTUNA: Any questions?

11 MEMBER MURPHY: No questions.

12 CHAIRMAN FORTUNA: Let's go to committee  
13 assignments, do you have them?

14 MEMBER MURPHY: I don't.

15 CHAIRMAN FORTUNA: Steve?

16 MR. SWANSON: They are in board pack.

17 MS. BURNS: Given that the committee  
18 assignments are in the board materials, I think all  
19 you would need is a motion to approve the  
20 president's assignment of committee chairs and  
21 assignments for 2021 consistent with what appears  
22 in the board's materials.

23 CHAIRMAN FORTUNA: There was really no  
24 changes, except for Tebbens and he was just plugged

1 into the openings that were Tony Martin.

2 MEMBER MURPHY: I'd like to make that  
3 motion.

4 CHAIRMAN FORTUNA: Please, do.

5 MS. BURNS: The motion is by Trustee  
6 Murphy.

7 MEMBER TEBBENS: Second.

8 CHAIRMAN FORTUNA: Seconded by Trustee  
9 Tebbens.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee

15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MS. BURNS: On new business, I think you  
4 are going to read the resolution.

5 CHAIRMAN FORTUNA: We are under new  
6 business. Secretary Murphy, please.

7 MEMBER MURPHY: Mr. President, I'd like  
8 to read a resolution honoring Steve Swanson, our  
9 Executive Director.

10 WHEREAS, the Firemen's Annuity and  
11 Benefit Fund of Chicago, its Board of Trustees, and  
12 Staff wish to thank Steve Swanson for his dedicated  
13 and generous service as the Executive Director of  
14 the Fund; and

15 WHEREAS, Steve earned a Bachelor of  
16 Science in Accounting from DePaul University and  
17 faithfully served the City of Chicago Fire  
18 Department as the Director of Finance; and

19 WHEREAS, after a rigorous and competitive  
20 search process, the Board hired Steve as the Fund's  
21 Executive Director in August, 2016, where Steve  
22 served faithfully and diligently in many  
23 capacities; and

24 WHEREAS, we proudly note that in his role

1 as Executive Director, Steve helped implement  
2 numerous efficiencies that will continue to enhance  
3 the Fund and its operations for many years to come  
4 including, but not limited to, overseeing a massive  
5 technology upgrade through new software,  
6 improvements to cyber security systems and  
7 effectively utilizing the Fund's off-site servers;  
8 and

9 WHEREAS, Steve dedicated an enormous  
10 amount of time both during and after work hours  
11 ensuring that the needs of the Fund's participants  
12 and beneficiaries were met in a gracious and  
13 professional manner including hosting multiple  
14 educational seminars for the Fund's members; and

15 WHEREAS, throughout his tenure as  
16 Executive Director of the Fund, Steve dedicated  
17 additional focus and efforts to Board governance  
18 issues to ensure an effective and efficient  
19 administration of the Fund; and

20 WHEREAS, while we will miss our friend  
21 and colleague, we take comfort in knowing that  
22 Steve's legacy will continue through the leadership  
23 he provided to the Fund's Staff and Board; now,  
24 therefore,

1           BE IT RESOLVED, on this 20th day of  
2           January, 2021, the Trustees, Staff and all Active  
3           and Annuitant members of the Firemen's Annuity and  
4           Benefit Fund of Chicago wish to honor and thank  
5           Steve Swanson and, perhaps most importantly, his  
6           family for allowing Steve to be the committed  
7           leader he was over the last four years. We will  
8           miss his knowledge, his professionalism, his  
9           leadership and his uncompromising dedication to the  
10          Fund and its participants.

11           BE IT FURTHER RESOLVED, in order that all  
12          may know of the esteem and honor in which this Fund  
13          holds Steve Swanson, that this Resolution be  
14          entered on the permanent record of this Fund and  
15          that a copy of this Resolution be suitably engraved  
16          and presented to Steve Swanson as a token of our  
17          respect and gratitude for his valued service to the  
18          Fund, its Trustees, Staff and Participants.

19                   Motion to adopt the resolution.

20                   CHAIRMAN FORTUNA: There is a motion to  
21          adopt by Trustee Murphy. Second by --

22                   MEMBER NANCE-HOLT: By Trustee Hold.

23                   CHAIRMAN FORTUNA: Trustee Murphy.

24                   MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Holt.

2 MEMBER NANCE-HOLT: Yes.

3 CHAIRMAN FORTUNA: Trustee

4 Conyears-Ervin.

5 MEMBER CONYEARS-ERVIN: Yes.

6 CHAIRMAN FORTUNA: Trustee 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: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 Steve, I would just like to express my  
17 deepest thanks to you for everything you have done  
18 for this fund.

19 I want to thank you for being a great  
20 friend to me. I want to thank you for technically  
21 holding down the fort when things got a little  
22 rough. You will always be a dear friend of mine  
23 and I am going to miss you immensely.

24 MEMBER MURPHY: I'd like to second that.

1 MR. SWANSON: Thank you. Danny, I just  
2 wanted to say you have been an outstanding leader  
3 at this fund. You really have taken me under your  
4 wing. I will always consider you a mentor to me  
5 and I will definitely be in touch with you in the  
6 future because I still will seek your wise counsel.

7 CHAIRMAN FORTUNA: Well, thanks.

8 MEMBER SONI: I would just like to add to  
9 that. Steve, I have been on this fund for about a  
10 year and a half and you have always gone above and  
11 beyond to make sure that not only do I have the  
12 background and the history of what has happened  
13 with the Fund so I can make informed decisions, but  
14 also making sure that if there were any key points  
15 that I am aware of issues or situations that might  
16 occur. I think not only from that respect but I  
17 just appreciate your candor and your support as a  
18 friend.

19 Congratulations to where you are moving.  
20 Our loss is their gain. But I know we will stay in  
21 touch and thank you for everything that you have  
22 done for this fund. We are truly lucky to have had  
23 you for so long.

24 MR. SWANSON: Thank you, Reshma. You

1 know, I do have to commend you as well as your role  
2 as comptroller. I know Jackie will back me up on  
3 this.

4 You have been great to work with on the  
5 Fund. We have had so many issues in terms of  
6 funding and that, the future is looking so much  
7 brighter as you can see from our last cash reports,  
8 and you have been so helpful in that process and we  
9 truly appreciate that as a Fund.

10 MEMBER SONI: Thank you.

11 MEMBER MCPHILLIPS: Steve, I would like  
12 to say congratulations. I remember when you came  
13 on we didn't know who you were, at least I didn't,  
14 and I think it was the First Deputy at the time,  
15 because you worked down on 35th Street, said you're  
16 going to love him. He's very even keel. He  
17 doesn't get rattled. And I think the First Deputy  
18 was spot on. You always had just a very calm  
19 demeanor and you never seemed to get rattled. I  
20 think that at a fund like the Firemen's Fund that  
21 is an important quality to have. Good luck to you  
22 going forward.

23 MR. SWANSON: Thank you. Thank you, very  
24 much. Thank you for your support bringing me on



1 board.

2 MEMBER TEBBENS: I have a brief comment.  
3 Steve, obviously, my experience with you as a  
4 Trustee has been limited but I have had dealings  
5 with you in my previous capacity. I just want to  
6 say that they were always professional and positive  
7 and I wish you well. I am kind of disappointed as  
8 well that you are not going to be there for the  
9 future going forward but I do wish you luck.

10 MR. SWANSON: Thank you, very much, Rob.  
11 I appreciate it.

12 MEMBER NANCE-HOLT: Steve, just real  
13 quick, continued success and thanks so much for  
14 helping me out learning the role of being a trustee  
15 on this board. I wish you the best.

16 MR. SWANSON: Thank you so much. I  
17 really always appreciated your support. You have  
18 really turned into an excellent trustee. Mary Pat  
19 is nodding very vigorously.

20 MEMBER VALENCIA: I just wanted to say I  
21 wish you luck, Steve. And to Annette's point, too,  
22 when I joined I was like a deer in headlights. I  
23 didn't know what I was in for and you really helped  
24 guide me and set up eight hours of education for me

1 at the end of last year. So, again, thank you. I  
2 hope you are not a stranger and come back to the  
3 board but wishing you well.

4 MR. SWANSON: Thank you so much. I  
5 appreciate that and hopefully you will forgive me  
6 for the eight hours of education I made you sit  
7 through at the end of last year.

8 MEMBER CONYEARS-ERVIN: I just wanted to  
9 thank Steve from Day 1 of me joining the Board  
10 about a year and a half ago he has been everything  
11 above awesome. So one of the most professional  
12 people that I have met thus far and I appreciate  
13 his dedication to the Fund and I wish him well in  
14 his future endeavors and we certainly will miss  
15 him. As you said, Mr. President, he has to  
16 remember that we are his friends so don't leave us,  
17 Steve. Thank you.

18 MR. SWANSON: Thank you, Madam Treasurer.  
19 Everyone knows how to get ahold of me and I will be  
20 happy to hear from everyone. Thank you very much.

21 CHAIRMAN FORTUNA: Thank you, Steve.

22 MEMBER MURPHY: At this time I would like  
23 to make a motion to adjourn.

24 MEMBER VALENCIA: Second.

1 CHAIRMAN FORTUNA: Seconded by Trustee  
2 Valencia.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Holt.

6 MEMBER NANCE-HOLT: 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

20 (WHICH WERE ALL THE PROCEEDINGS

21 IN THE ABOVE-ENTITLED MEETING

22 AT THIS DATE AND TIME.)

23

24



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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

MS. SARAH A. BOECKMAN

ALSO PRESENT:

LORI LUND, Deputy Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

MARC TORRES, IT Analyst

MARK MYSLINSKI, City Treasurer's Office

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

1                   CHAIRMAN FORTUNA: I hereby convene this  
2 Board of Trustees meeting for Wednesday, February  
3 17th, at 8:30. We are going to call the meeting to  
4 order.

5                   I would turn it over to Mary Pat for a  
6 roll call

7                   MS. BURNS: Thank you, President Fortuna.  
8 Trustee Murphy.

9                   MEMBER MURPHY: Here.

10                  MS. BURNS: Trustee Nance-Holt.

11                  MEMBER NANCE-HOLT: Present.

12                  MS. BURNS: Trustee Conyears-Ervin. (Not  
13 present.)

14                  Trustee Soni.

15                  MEMBER SONI: Here.

16                  MS. BURNS: Trustee McPhillips.

17                  MEMBER MCPHILLIPS: Here.

18                  MS. BURNS: Trustee Tebbens.

19                  MEMBER TEBBENS: Here.

20                  MS. BURNS: Trustee Valencia.

21                  MEMBER VALENCIA: Here.

22                  CHAIRMAN FORTUNA: And I am here.

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

24                  CHAIRMAN FORTUNA: Thank you. Public Act

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

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

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

23 Are there any questions for public  
24 comment this morning?

1                   Okay hearing none, we are going to move  
2                   on. I am going to turn this over to Secretary  
3                   Murphy to proceed through the rest of the agenda.  
4                   Go ahead.

5                   MEMBER MURPHY: Thank you, Mr. President.  
6                   First, I am going to turn to the Approval of the  
7                   Administrative Items.

8                   Item number A, Approval of the Minutes of  
9                   the Regular Audio Meeting of January 20, 2021, the  
10                  open and closed minutes, and the Regular Audio  
11                  Meeting transcript of January 20, 2021.

12                  I would like to make a motion to approve  
13                  the open minutes, the audio transcript, and the  
14                  closed session minutes from the January 20, 2021  
15                  meeting and keep the closed session minutes closed  
16                  on the recommendation of Fund counsel.

17                  MEMBER TEBBENS: Second.

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

20                  Trustee Murphy.

21                  MEMBER MURPHY: Yes.

22                  CHAIRMAN FORTUNA: Trustee Holt.

23                  MEMBER NANCE-HOLT: Yes.

24                  CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER CONYEARS-ERVIN: Good morning.

11 Treasurer Conyears-Ervin here.

12 CHAIRMAN FORTUNA: Thank you. Would you  
13 like to vote on that motion?

14 MEMBER CONYEARS-ERVIN: I would, yes.

15 CHAIRMAN FORTUNA: Then you are a yes.

16 MEMBER MURPHY: Moving on, Mr. President,  
17 to Item B. I make a motion to approve the Minimum  
18 Formula Annuities starting with Member 15810 Meske  
19 and ending with Member 14273 Trujillo.

20 MEMBER SONI: Second.

21 CHAIRMAN FORTUNA: Motion by Trustee  
22 Murphy. Seconded by Trustee Soni.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Holt.

2 MEMBER NANCE-HOLT: Yes.

3 CHAIRMAN FORTUNA: Trustee

4 Conyears-Ervin.

5 MEMBER CONYEARS-ERVIN: Yes.

6 CHAIRMAN FORTUNA: Trustee 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: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Moving on to C, Survivor

17 Annuities: Widow's and Children's Annuities. I

18 would like to make a motion to approve the Widow's

19 and Children's Annuities starting with Member 07760

20 Churchill through Member 15965 Truevillian.

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 Holt.

4           MEMBER NANCE-HOLT:   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:   Moving to Item D,

19   Refunds.   There are no refunds this month.

20                 Moving on to Item E, Death Benefits.   I

21   would like to move to approve the Death Benefits

22   for Member 08598 Barone through Member 09683

23   Zajdzinski.

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 Holt.

6           MEMBER NANCE-HOLT:  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          MEMBER MURPHY:  Moving on to Item F,  
21  Partial Payments.  I would like to make a motion to  
22  approve the Partial Payments beginning with Member  
23  08598 Barone and continuing through to Member 09683  
24  Zajdzinski.

1 MEMBER NANCE-HOLT: Second.

2 CHAIRMAN FORTUNA: Motion by Trustee  
3 Murphy. Seconded by Trustee Holt.  
4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee  
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.  
20 Motion carries.

21 MEMBER MURPHY: Moving on to Item G,  
22 Benefit Recalculations. Mr. President, there was  
23 one Benefit Recalculation to reflect an adjustment  
24 in an annuity amount approved on January 20, 2021

1 for Member 14342 to include the correct duty  
2 availability payment. I'd like to make a motion to  
3 approve.

4 MEMBER VALENCIA: Second.

5 CHAIRMAN FORTUNA: Motion to approve by  
6 Trustee Murphy. Seconded by Trustee Valencia.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Mr. President, there is

1 also included in the materials two addendums  
2 setting forth the Benefit Recalculations regarding  
3 Public Act 99-0506 for Minimum Formula Widow's and  
4 Retiree's, due to an update in the Federal  
5 Register.

6 I'd like to make a motion to approve the  
7 new calculated annuity amounts, based on the  
8 addendums prepared by staff.

9 MEMBER VALENCIA: Second.

10 MEMBER MURPHY: Motion to approve by  
11 Trustee Murphy. Seconded by Trustee Valencia.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Holt.

15 MEMBER NANCE-HOLT: 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 MEMBER MURPHY: Moving on to Item H,  
6 Requests for Permission. Guardianship. There are  
7 four guardianship matters for Members 06821, 07973,  
8 11061 and 07936. Staff confirmed that the  
9 appropriate documentation is on file for each of  
10 these matters.

11 I would like to make a motion to approve  
12 the guardianship in these four matters.

13 MEMBER TEBBENS: Second.

14 MS. BURNS: May I add something on one of  
15 these? With respect to Member 11061, Lori provided  
16 me with the documentation. I just want the record  
17 to reflect that with respect to this member what  
18 the court order did was it granted temporary  
19 guardianship so I just want the record to reflect  
20 that the Board is approving this particular  
21 guardianship, unlike our normal ones, on a  
22 temporary basis and that staff should report back  
23 to the Board maybe in six months as to whether or  
24 not this order becomes final or not. Thank you.

1 CHAIRMAN FORTUNA: Okay. So there is a  
2 motion by Trustee Murphy. Seconded by Trustee  
3 Tebbens.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee  
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Moving on to Item I,  
22 Removals. I move to approve the Removals starting  
23 with Dorothy Ormond and ending with Jayden  
24 Rogers.

1 MEMBER SONI: Second.

2 CHAIRMAN FORTUNA: Motion for Removals by  
3 Trustee Murphy. Seconded by Trustee Soni.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee  
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Mr. President, moving on  
22 to Item 3, Request for Approval of Payments  
23 Pursuant to Administrative and Court Orders.

24 I move that the administrative and court



1 order listed in the docket for Member 03432 be  
2 approved

3 MEMBER CONYEARS-ERVIN: Second.

4 CHAIRMAN FORTUNA: Motion to approve by  
5 Trustee Murphy. Seconded by Trustee  
6 Conyears-Ervin.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Mr. President, moving on

1 to consideration for approval of the following  
2 matters of the Duty Disability applications. We  
3 have three today.

4 I believe the first one would be Darek  
5 Martin, EMT.

6 MR. PINELLI: I am present and ready to  
7 proceed. Mr. Martin has attorney Jerome Marconi  
8 representing him. I see Mr. Marconi is on the  
9 line.

10 MR. MARCONI: Can you hear me? I had a  
11 problem last month.

12 MR. PINELLI: Yes, we can hear you.

13 MR. MARCONI: Great.

14 MR. PINELLI: Are you ready to proceed?

15 MR. MARCONI: Yes, sir.

16 MR. PINELLI: This is the application for  
17 a Duty Disability benefit being made by Darek J.  
18 Martin. Mr. Martin is represented by counsel  
19 Jerome Marconi. Sir, could you please identify  
20 yourself for the record?

21 MR. MARCONI: Yes. Jerry Marconi for the  
22 record on behalf of the applicant.

23 MR. PINELLI: Is the applicant Mr. Martin  
24 also on the line?

1 MR. MARTIN: Yes, I am. This is Darek  
2 Martin.

3 MR. PINELLI: Very well, then we are  
4 ready to proceed after some preliminary matters.

5 First of all, counsel, you should have  
6 received copies of the board exhibits that have  
7 previously been marked as Exhibits 1 through 9 for  
8 purposes of the hearing. Did you receive a copy of  
9 those?

10 MR. MARCONI: Yes, for the record, I did  
11 receive those from Lori.

12 MR. PINELLI: Do you have any objection  
13 to their admission into the record in this matter?

14 MR. MARCONI: I do not.

15 MR. PINELLI: Mr. Chairman, I move for  
16 admission of Board Exhibits 1 through 9 without  
17 objection from the applicant.

18 CHAIRMAN FORTUNA: Admitted without  
19 objection.

20 (Board Exhibits 1 through 9 were  
21 admitted into evidence.

22 MR. PINELLI: Thank you. Then I think we  
23 are ready to proceed subject to the swearing of  
24 witnesses.

1 Counsel, I presume you are going to call  
2 Mr. Martin?

3 MR. MARCONI: That's correct.

4 MR. PINELLI: Then I would ask Dr. Samo,  
5 the Fund's Physician/Consultant, and Mr. Martin,  
6 could you both raise your right hands?

7 (Witnesses sworn.)

8 MR. PINELLI: Then I think we are ready  
9 to proceed. Counsel, do you wish to call any  
10 witnesses?

11 MR. MARCONI: Yes, Darek Martin.

12 DAREK J. MARTIN

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

15 EXAMINATION

16 BY MR. MARCONI:

17 Q Darek, if you could just state your name  
18 and spell your name so we have it for the record.

19 A Darek John Martin. D-a-r-e-k J-o-h-n  
20 M-a-r-t-i-n.

21 Q Okay. You are currently employed by the  
22 Chicago Fire Department; is that correct?

23 A Yes, I am on a duty disability.

24 Q You're the applicant; is that correct?

1 You submitted your affidavit and application for  
2 disability benefits?

3 A Yes, I did, yes.

4 Q When were you hired by the Chicago Fire  
5 Department?

6 A My start date was August 17th of 2009.

7 Q You filed your application on October 7,  
8 2020; is that correct?

9 A Yes.

10 Q When was your last day of work?

11 A My last day of work was the day I was  
12 injured, that was August 8th of 2019.

13 Q Okay. I know you submitted an affidavit  
14 but I am going to ask you a couple questions about  
15 how you were injured. Where was your assignment on  
16 August 8th of 2019?

17 A My assignment was to detach services but  
18 my working -- my role was as the coordinator of  
19 hazardous materials training at the Quinn Fire  
20 Academy.

21 Q Were you engaging in training on this  
22 particular day?

23 A Yes, I was.

24 Q What was the nature of the training?

1           A     We were completing the practical exercise  
2     for that weeks hazardous material operation course  
3     that is provided to all candidates or all candidate  
4     Firefighter EMTs.

5           Q     What did that training consist of?

6           A     That is five days of both in class and  
7     practical exercises. On the day in question, we  
8     were running the candidates through a suit  
9     familiarization drill so we get all the candidates  
10    in the class into a Level A suit to give them a  
11    feeling of what it is like to work in those suits  
12    because once they are out as hazmat operations  
13    training personnel they need to be able to function  
14    in a decontamination capability.

15          Q     Okay. Now was that training wrapping up  
16    that day around 1:30 in the afternoon?

17          A     Yes, we were cleaning up from the days  
18    work. So there is a morning session and then an  
19    afternoon.

20          Q     Your affidavit indicates that you were,  
21    maybe not you but some of the other trainees were,  
22    handling a 55-gallon drum; is that correct?

23          A     Yes. I was helping them get the drum  
24    into the back of the ambulance. The ambulance in

1 question is an out of service standard Chicago ALS  
2 ambulance.

3           Unfortunately, with the ambulance in  
4 question or our Haz Mat training ambulance, the  
5 airbags in the back of the ambulance didn't work so  
6 it was stuck in the drive position. Typically  
7 those would drop allowing for easier ingress and  
8 egress.

9           So given the weight of that 55-gallon  
10 drum, so it is a steel drum, we would load that  
11 with a number of miscellaneous pieces of equipment.  
12 It could weigh anywhere from 300 to 350 plus  
13 pounds.

14           Given the limited space in the back of an  
15 ambulance for all of the equipment necessary, it  
16 was, to use a game terminology, it was kind of like  
17 doing Tech Tetris.

18           I was helping the candidate get that drum  
19 into the back of the ambulance in a way that would  
20 allow us to load the ambulance appropriately.

21           Q     How was that being loaded into the rear  
22 of the ambulance?

23           A     So I was inside the cab, along with  
24 another candidate, and there were two candidates

1 below us.

2 Q Any issues while loading the drum?

3 A Not until it slipped. So we got it to  
4 the edge of the lip of the back of the ambulance  
5 and in holding that you have to readjust because  
6 there is a little -- there is a catch in the back  
7 for the stretchers so we had to adjust the barrel  
8 as such. As we were adjusting it, like I said, as  
9 I outline in the affidavit, the barrel slipped  
10 backwards, which was at that point in time when I  
11 caught and arrested the fall but in doing so I  
12 injured my shoulder.

13 Q When you say you injured your shoulder,  
14 what happened initially? Did you feel any pain?  
15 Did you hear anything?

16 A I both felt and heard -- I mean, heard I  
17 guess is a relative term but there was a popping  
18 and tearing sensation in my arm followed by  
19 immediate -- I don't know if I -- it was a high  
20 level of pain, nine or ten.

21 Q Did you report it?

22 A Yes.

23 Q To whom?

24 A The first person I spoke to after I



1 recovered myself and realized that I needed -- was  
2 instructor Mike Hogan and Mike proceeded to tell me  
3 that I needed to -- we needed to actually make a  
4 report on this or he suggested that I do that. At  
5 which point in time I talked to Commander Greg  
6 Swanson, who was in charge of the candidate  
7 operations at that point in time.

8 Q Did you receive immediate treatment?

9 A I did. The candidate -- one of the  
10 candidates who was helping me was actually a  
11 crossover paramedic so he helped me and an  
12 ambulance was requested as well.

13 Q Were you transported to Rush Hospital via  
14 ambulance?

15 A I was.

16 Q What kind of treatment did you receive in  
17 the ER?

18 A It was basic ice, they splinted the  
19 shoulder and I had an x-ray.

20 Q Were you released the same day?

21 A I was, yes.

22 Q Did you follow up with any other doctors?

23 A I followed up with the CFD Medical  
24 Section who in turn got me into physical therapy as

1 well as they started the relationship that I had  
2 with Dr. Shi at University of Chicago.

3 Q Where did you initially go to PT?

4 A The initial one was Sports and Ortho in  
5 Bridgeport.

6 Q How many sessions approximately?

7 A 25.

8 Q Did that resolve the pain and limitation  
9 with the shoulder?

10 A No, it did not.

11 Q Did you try any other conservative  
12 treatment, other than the physical therapy?

13 A I had a cortisone shot in November of  
14 2019.

15 Q Was that successful?

16 A No.

17 Q Why not?

18 A In addition to -- well, in addition to  
19 not remedying the pain or helping with range of  
20 motion, I am a Type I diabetic and it caused my  
21 blood glucose levels to explode. I mean they were  
22 constantly elevated following the procedure.

23 Q After that I am assuming you didn't have  
24 any more cortisone injections; is that correct?

1           A     That's correct.

2           Q     How did you get to Dr. Lewis Shi?

3           A     Dr. Shi was -- I don't want to say  
4     prescribed but he was the doctor that I was  
5     directed to by the Medical Section.

6           Q     Did Dr. Shi eventually recommend surgery?

7           A     Following the cortisone shot and the, you  
8     know, minimal therapy that that provided, he did  
9     suggest that or his recommendation was that in  
10    order to get not only range of motion back but any  
11    strength that might be capable in that shoulder  
12    that I would need to have surgery, yes.

13          Q     Was that a total shoulder replacement?

14          A     Frontal shoulder replacement, yes.

15          Q     I'm sorry, you kind of broke up.

16          A     Sorry. They also had to reattach the  
17    biceps tendon and mend the biceps itself.

18          Q     In the records, there is some indication  
19    that you had prior injuries to both shoulders; is  
20    that correct?

21          A     That is correct.

22          Q     Were these older injuries?

23          A     I had a high school football injury,  
24    which was a minor separation or subluxation or

1 minor dislocation. I guess sublucation is what it  
2 is called. I also -- my right shoulder -- so the  
3 left shoulder is the one that I had the football  
4 injury with. My right shoulder was also actually  
5 fractured, dislocated, but that's not here or there  
6 with respect to the case in point.

7 Q Despite this prior injury leading up  
8 until August 8th, was your left shoulder  
9 symptomatic for any pain or limitations?

10 A No. I mean, I would have minor pain  
11 sometimes but on the morning in question I was able  
12 to do 11 free weighing pull-ups.

13 Q How much do you weigh?

14 A I weigh 270 pounds.

15 Q So I am assuming, and we haven't met  
16 personally, you are a pretty big guy?

17 A Yeah, I guess that is fair to say.

18 Q Were you working out on a regular basis  
19 in order to get to 11 free hanging pull-ups?

20 A I worked out six days a week, yes.

21 Q So no problems leading up until this day,  
22 correct?

23 A Nothing limiting.

24 Q After your surgery, I am assuming you

1       went back into physical therapy; is that correct?

2           A       I undertook eight physical therapy, I  
3       believe it was eight physical therapy, appointments  
4       with Athletico and I did those until my insurance  
5       -- the discontinuation of my insurance following  
6       the separation on the 8th of January.

7           Q       Have you been kind of in limbo for the  
8       last month as far as the physical therapy?

9           A       Limbo from the standpoint of not being  
10      able to actually go to having the actual physical  
11      therapist work on my shoulder. The one thing that  
12      I did do though is in an effort to continue the  
13      process, given the gap between actual -- between  
14      when I was having actual physical therapy  
15      appointments, I have gone and bought all of the  
16      equipment necessary to continue to do that. I have  
17      about a five-foot stick that I use for stretching.  
18      The balls that I need to do for wall exercises as  
19      well as a pulley system for raising my arm and  
20      continuing with range of motion work.

21          Q       Okay. Then once the insurance issue is  
22      resolved are you going to go back into physical  
23      therapy? I mean actually appear with a physical  
24      therapist?

1           A     Yes.  The one thing that I have right now  
2     is that while I have been working on my range of  
3     motion my strength is still -- the left arm is  
4     still very weak so I don't want to do anything -- I  
5     have -- you know, as previously noted I worked out  
6     my entire life but I don't want to do anything that  
7     is going to potentially damage the shoulder so I am  
8     going to seek that type of professional counsel  
9     with respect to rehabbing it.

10          Q     The reports that I read indicate you are  
11     not at maximum medical improvement or MMI yet is  
12     that your understanding?

13          A     Yes, I guess that is -- from what I saw  
14     in the report, that is what Dr. Samo had concluded.

15          Q     Okay.  Is it your intention then to  
16     continue with the physical therapy to hopefully  
17     rehab your left shoulder to get back to work?

18          A     I spent ten years, if I may, I spent ten  
19     years trying to become a Firefighter so my goal  
20     right now is absolutely work on the rehabilitation  
21     end to get to that point.

22          Q     What current problems do you have right  
23     now that prohibit you from doing the full duties of  
24     a Firefighter?

1           A     Well, I know that at this point one of  
2     the requirements for returning to operational  
3     status is I need to be able to lift 90 pounds. I  
4     could probably do that with my right arm alone but  
5     I can't do it with -- my left arm is not -- I have  
6     trouble at this point in time doing a five pound  
7     bag of groceries so with my left arm so it is --  
8     there is still a great weakness in that shoulder,  
9     in that joint and the arm in general.

10           Q     That is what you are working on right now  
11     hopefully building strength backup in the shoulder?

12           A     At this point in time I am trying to keep  
13     it from tightening up or getting back to where it  
14     was postsurgery because I had no range of motion,  
15     nothing there. At this point in time, as I  
16     mentioned before, I am not doing anything strength-  
17     wise. The only working out that I am doing at this  
18     point is walking for cardiovascular exercise but I  
19     am leery of doing anything that would cause the  
20     shoulder to be further injured so it is strictly  
21     the stretching exercises that I have been shown.

22                   MR. MARCONI: I have no other questions.

23                   CHAIRMAN FORTUNA: Trustees, any  
24     questions?

1 MEMBER MCPHILLIPS: No questions.

2 MR. PINELLI: If I may, Mr. Chairman, I  
3 have just a couple of questions.

4 EXAMINATION

5 BY MR. PINELLI:

6 Q Good morning, Mr. Martin. I am one of  
7 the attorneys for the Fund. I just want to ask you  
8 a couple of questions.

9 A Good morning.

10 Q Counsel, I am looking at Group Board  
11 Exhibit Number 1D, which is the history of shoulder  
12 injuries.

13 MR. MARCONI: What page, 1D?

14 MR. PINELLI: D as in David, yes.

15 MR. MARCONI: Okay.

16 MR. PINELLI: It is a summary.

17 BY MR. PINELLI:

18 Q Firefighter Martin, my question is with  
19 respect to prior injuries to your left shoulder,  
20 you mentioned the dislocation from high school. It  
21 appears you also in 2005 had a surgery on that  
22 shoulder to remove a cyst; is that correct?

23 A Yep. That is correct, yep.

24 Q That was obviously four years before you



1       came on the department, right?

2           A       Yeah.  That was -- so if I may, I had  
3       what is known as a ganglion cyst that was in the  
4       shoulder.  And what my doctor -- what Dr. Freehill  
5       had told me -- I was doing a lot of -- I was  
6       actually preparing for the CFD test at that point  
7       in time.  My brother is a Lieutenant now with the  
8       Chicago Police Department.  So he was obviously  
9       hearing information about when the process was  
10      going.  I had been undertaking a ridiculously -- I  
11      suppose ridiculous might be a strong word but I was  
12      doing -- I was working out at that point in time  
13      seven days a week for two and a half hours a day  
14      and that was typically a hour of cardio, coupled  
15      with very high upper body, both leg and upper body  
16      work.

17                    What my doctor or what Dr. Freehill  
18      explained to me at the time was that that was,  
19      particularly the power lifting that I was doing  
20      because I was using 110 pound dumbbells, he said  
21      that was probably what led to that.

22                    And normally a ganglion cyst if it  
23      doesn't hit a nerve is not that big of a deal.  
24      Unfortunately, in my case it was right on the nerve

1 that was running through the shoulder. Once they  
2 took -- once the cyst was removed, it was night and  
3 day.

4 Q It looks like it was an arthroscopic  
5 procedure, too, right?

6 A Yeah, I mean it was outpatient.

7 Q Outpatient, okay. And then secondly it  
8 looks like on October 14th of 2009 you also had an  
9 injury to that shoulder again while you were a  
10 candidate in the Academy?

11 A Mmm-hmm, yes.

12 Q All I want to know is that injury to the  
13 shoulder did not require any surgical procedures?  
14 You were able to rehabilitate it through  
15 conservative measures and then go back to work,  
16 right?

17 A Yeah. The issue in question -- yeah, the  
18 shoulder slipped. We were required to put our bags  
19 over our heads and I think that is outlined fairly  
20 clearly but the -- I was transported to Rush. They  
21 went through it. Again, I was told to ice, do  
22 those things. But the one issue there was, as it  
23 was explained to me, if I went and did physical  
24 therapy or wanted surgery, I would have to get

1 rolled back to another class and as I mentioned  
2 before I spent ten years trying to become a  
3 Firefighter so it was more or less one of those  
4 things where I sucked it up and went so -- and it  
5 ended up not being an issue.

6 Q Because you were able to return to work  
7 and you worked for ten years thereafter?

8 A Yes.

9 Q Without any problems, causing you not  
10 being able to work because of your left shoulder,  
11 right?

12 A Right.

13 Q Thank you. And then have you engaged in  
14 any activities by which you earned income since you  
15 have been on layup for this particular incident?

16 A I'm sorry, could you repeat the question?

17 Q Have you engaged in any activities by  
18 which you earn money or income since you went on  
19 layup for this incident?

20 A No.

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

23 Mr. Marconi, do you have any further  
24 evidence before I call Dr. Samo to testify?

1 MR. MARCONI: No, sir.

2 MR. PINELLI: Then I'd like to proceed  
3 with calling Doctor Samo. He has been sworn.

4 (Witness previously sworn.)

5 DANIEL SAMO, M.D.

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

8 EXAMINATION

9 BY MR. PINELLI:

10 Q Sir, could you please state your name?

11 A Daniel Samo.

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

13 A Yes.

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

16 A Yes.

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

19 A Yes.

20 Q In that capacity, do you review medical  
21 records, examine or interview applicants and report  
22 to the Board?

23 A Yes.

24 Q Did you follow that procedure and provide

1 a written report to the Board that is marked as  
2 Board Exhibit Number 2?

3 A Yes.

4 Q Doctor Samo, could you just briefly  
5 summarize for us the current condition of the  
6 applicant?

7 A Currently, he just had surgery, a  
8 shoulder replacement surgery, and so he's in  
9 rehabilitation for that. So he has, as would be  
10 expected, a significant loss of range of motion and  
11 weakness in that shoulder.

12 Q Would that condition prevent him from  
13 performing full and unrestricted duties with the  
14 Department?

15 A Yes.

16 Q Doctor, just quickly, the incident he  
17 described occurring in January of '20, based on  
18 your knowledge and experience, does that sound like  
19 a competent mechanism to have caused the injury he  
20 sustained?

21 A In August of '19?

22 Q No, in January of '20. Excuse me, do I  
23 have my wrong dates here?

24 MR. MARCONI: Are you talking about

1 August 8th, Vince?

2 MR. PINELLI: I'm sorry, my mistake.

3 THE WITNESS: So he clearly had  
4 preexisting osteoarthritis in that shoulder but was  
5 asymptomatic. All the records I reviewed, I didn't  
6 see any complaints of the shoulder back to 2009  
7 and then clearly something happened. It was an  
8 acute injury, an acute pain, exactly what that was  
9 I don't know. It wasn't clear from the scanning  
10 but after that he remained significantly  
11 symptomatic from that point on.

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

14 Is there any another evidence you wish to  
15 present at this time, counsel?

16 MR. MARCONI: No, sir.

17 MR. PINELLI: Trustees, are there any  
18 questions for the doctor?

19 MEMBER MCPHILLIPS: No questions.

20 CHAIRMAN FORTUNA: Okay, thank you.

21 MEMBER MURPHY: Mr. President, I'd like  
22 to make a motion to grant the benefits requested by  
23 Darek Martin.

24 MEMBER VALENCIA: Second.

1 CHAIRMAN FORTUNA: There is a motion to  
2 grant. There is a second by Trustee Valencia.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Holt.

6 MEMBER NANCE-HOLT: 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 MEMBER MURPHY: I would like to make a  
21 motion for reexam consistent with the Board's  
22 policies.

23 MEMBER TEBBENS: Second.

24 CHAIRMAN FORTUNA: Motion for reexam by

1 Trustee Murphy. Seconded by Trustee Tebbens.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Holt.

5 MEMBER NANCE-HOLT: 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 McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: Trustee Valencia.

16 MEMBER VALENCIA: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

19 MEMBER MURPHY: Counsel has previously

20 sent around proposed findings of fact and

21 conclusion of law in this matter. Having had a

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

23 the findings of fact and conclusion of law in this

24 matter.

MEMBER SONI: Second.



1 CHAIRMAN FORTUNA: Motion to adopt by  
2 Trustee Murphy. Seconded by Trustee Soni.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Holt.

6 MEMBER NANCE-HOLT: 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 Mr. Martin, based on the findings of fact  
21 made by the Trustees, the Trustees have voted to  
22 grant the benefit that you have requested. You  
23 will be notified by mail of the findings of fact  
24 and the Board's decision.

1                   Thank you and good luck to you. Get back  
2 to work, we need a guy of your size.

3                   MR. MARTIN: Thank you.

4                   MEMBER MURPHY: The next applicant is  
5 Paramedic in Charge Joseph Pecoraro.

6                   MR. PINELLI: Is Mr. Pecoraro on?

7                   CHAIRMAN FORTUNA: He's on the line,  
8 Vince.

9                   MR. PINELLI: Okay. The trustees are  
10 ready to proceed?

11                   CHAIRMAN FORTUNA: Yes.

12                   MR. PINELLI: Let the record reflect this  
13 is a hearing on the application for a Duty  
14 Disability benefit being made by Joseph Pecoraro.  
15 Mr. Pecoraro, can you hear me?

16                   MR. PECORARO: Yes, I can. Can you hear  
17 me okay?

18                   MR. PINELLI: Yes, now I can.

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

21                   First off, there are eight trustees  
22 present at this time to hear the evidence on your  
23 application. If you don't know you should know the  
24 Pension Code requires you get the affirmative or

1       yes vote of at least five of those eight trustees  
2       in order to receive this benefit. Do you  
3       understand that?

4                   MR. PECORARO: Yes, sir.

5                   MR. PINELLI: I also understand that you  
6       are proceeding without an attorney today. Is it  
7       your desire to proceed with the hearing without  
8       counsel?

9                   MR. PECORARO: Yes, sir.

10                  MR. PINELLI: Lastly, it is your burden  
11       of proof as the applicant to present sufficient  
12       evidence to the Board in order for the Board to  
13       grant the benefit you are seeking. Do you  
14       understand it is your burden of proof?

15                  MR. PECORARO: Yes, sir.

16                  MR. PINELLI: By way of procedures, I am  
17       going to start by asking you some questions under  
18       oath. The board members may or may not have  
19       questions of you. Then I will call the Fund's  
20       physician consultant to testify, who you  
21       interviewed with. If there is anything I don't ask  
22       him, please let me know and you will be given an  
23       opportunity.

24                  I also think we have a witness that has

1       been asked to be here today.  If he is present, I  
2       am going to ask him some questions, too.  Once  
3       again, if there is anything you think is important  
4       for us to know that I don't ask him, please let me  
5       know and you will be given that opportunity.

6                   Do you understand the procedures?

7                   MR. PECORARO:  Yes, sir.

8                   MR. PINELLI:  Then we are ready to  
9       proceed.  Sir, would you please raise your right  
10      hand?  And, Dr. Samo, would you please raise your  
11      right hand as well?

12                               (Witnesses sworn.)

13                                       JOSEPH A. PECORARO

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

16                                       EXAMINATION

17                                       BY MR. PINELLI:

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

20                   A     Sure.  It is Joseph Anthony Pecoraro,  
21      P-e-c-o-r-a-r-o.

22                   Q     What is your current rank with the Fire  
23      Department?

24                   A     Paramedic in Charge.

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

3 A Last assignment was Ambulance 32.

4 Q Now, sir, you should have received a  
5 group of exhibits from the Fund staff prior to this  
6 hearing several days in advance. Did you receive  
7 Group Board Exhibits 1 through 12?

8 A Yes.

9 Q Did you have a chance to review them?

10 A Yes, I did.

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

14 A No, sir.

15 MR. PINELLI: Mr. President, I would move  
16 for admission of Board Exhibits 1 through 12,  
17 without objection from the applicant.

18 CHAIRMAN FORTUNA: Admitted without  
19 objection.

20 MR. PINELLI: Thank you.

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

23 BY MR. PINELLI:

24 Q Now, sir, you are applying for this

1       disability benefit based upon an injury that you  
2       sustained on January 5th of 2020; is that correct?

3             A       Yes, sir.

4             Q       Now understanding the Board has your  
5       sworn statement in the Board Exhibits but could you  
6       still just briefly summarize for us today where you  
7       were and what caused you the injury?

8             A       Sure. That particular day I was working  
9       at Ambulance 56 and I think it was somewhere around  
10       3:30 in the afternoon. We were moving a patient  
11       from the stretcher to the bed at Swedish Hospital.

12                I felt a pull, some pain, in my back,  
13       some muscle spasms. From what I remember, I think  
14       I grabbed an ice pack. I let my partner know that  
15       I hurt myself. I thought it might resolve.

16       Unfortunately, it became worse. So I started  
17       experiencing worse muscle spasms, tightness in my  
18       back, so a few hours later I realized that there  
19       was no way I was going to be able to finish the  
20       shift because I wouldn't be able to perform my  
21       duties.

22                I informed my partner and he drove me to  
23       St. Francis Hospital since that was the nearest  
24       hospital and then they just went ahead with just a

1 routine ER visit. They didn't perform any x-rays.  
2 To tell you the truth, I can't remember if they did  
3 or not. I remember they gave me like Toradol,  
4 Valium, to relax my back and kill the pain.

5 Q Returning to the incident for a quick  
6 second, who if anyone else was assisting in the  
7 transporting or the lifting of the patient as you  
8 described it?

9 A No one that I remember, just my partner  
10 and I.

11 Q What is your partner's name?

12 A The guy I was working with that day was  
13 Mike Pankowski.

14 Q So can you just briefly describe where  
15 you were in relation to the patient and what you  
16 did when you felt this pain?

17 A I want to say I was at the head of the  
18 patient. From what I remember the patient wasn't  
19 very large. I just lifted up, twisted over to  
20 place her on the bed and then I just felt like a  
21 muscle pull and some immediate pain. Kind of like  
22 a sharp pain. A little bit of spasming. After  
23 that I just iced it. It kind of relaxed it  
24 somewhat but became much more severe after that.

1           Q     As to the patient, I think you described  
2     it to CFD Medical as a small lady about 130 pounds;  
3     is that correct?

4           A     Yeah. From what I remember, she wasn't  
5     very large. It was just the motion of twisting  
6     over to the bed is when I felt the pain.

7           Q     You weren't lifting the stretcher, you  
8     were just lifting the patient, correct?

9           A     Yes, sir.

10          Q     Now had you ever injured your back, your  
11     lower back, prior to that date?

12          A     Yeah, I had some -- especially since, you  
13     know, starting in January -- I'm sorry, July of  
14     2019, I had some problems. They replaced -- 32 was  
15     one of the newer ambulances and the rear steps is  
16     very high. They no longer were using airbags. I  
17     guess we had an issue with too many airbag problems  
18     with the ambulance people so they don't raise or  
19     lower but the step height is very high.

20                     And I want to say on July 27th I stepped  
21     off the back, felt problems. I stepped off the  
22     back of the ambulance. Stepped out of the back of  
23     the ambulance. I kind of felt problems in my back  
24     and my knee after it twisted.



1                   From there it was a tough summer because  
2           I was on EMS 4 and EMS 2 is extremely low on a  
3           manpower. But I had come back, any time I did come  
4           back from injury, not only was I paying people back  
5           that I owed time to but I was also being mandatory  
6           on rehires and so I had quite a few recurring  
7           injuries. I would do the physical therapy. When I  
8           felt better I would come back right away but this  
9           last time unfortunately it just never resolved.

10           Q     Do you happen to have the Board Exhibits  
11           with you by any chance?

12           A     Yeah, I do here in my computer.

13           Q     If you could look at -- just tell me when  
14           you have them in front of you.

15           A     Sure. Which page are you looking for?

16           Q     I was just going to say Board Exhibit 4,  
17           which they are marked in the lower right-hand  
18           corner.

19           A     Okay. Layup Summary?

20           Q     Exactly. So that is a document that is  
21           prepared by the staff from a summary of what they  
22           found in the medical record from the Medical  
23           Section of the Fire Department. It lays out a  
24           chronological order of various layups you have had.

1                   With respect to your lower back, after I  
2                   went through it, it looks like you have had various  
3                   back injuries going back to 2012 I think was the  
4                   earliest one I saw.

5                   A        Sure.

6                   Q        December 23rd of '12. And I guess my  
7                   question is simply that is it accurate that you  
8                   have had a number of layups for low back pain,  
9                   strains, things like that, going back to 2012?

10                  A        Yes, it is.

11                  Q        Okay. It also appears that on the Layup  
12                  Summary, you were able to have those symptoms  
13                  resolve through conservative treatment and return  
14                  to work after each one of them?

15                  A        Yes, sir.

16                  Q        You never had any surgical procedures to  
17                  address any of your low back problems that you had  
18                  prior to this incident, correct?

19                  A        Prior to this one, no.

20                  Q        Can you tell me, if you can, was there a  
21                  difference at all in the pain you experienced on  
22                  this particular incident that you described versus  
23                  all those prior duty injuries or was it basically  
24                  the same area of your back?

1           A     It was pretty much the same area but I  
2     did experience much more severe muscle spasms. I  
3     did receive like -- I don't know if they call them  
4     ultrasound assisted cortisone shots, which gave me  
5     very temporary relief. But after physical therapy,  
6     once they finally had performed diagnostics, they  
7     found that I had a slight herniation at L-4/L-5 and  
8     like I said the cortisone shots would give me  
9     temporary relief but the stiffness from the spasms  
10    just kept coming back.

11          Q     Okay. And so in your course of  
12    treatment, since this last injury, you consulted  
13    with various doctors for your back; is that right?

14          A     Yes, sir.

15          Q     And none of the doctors have recommended  
16    a surgical procedure for your back, correct?

17          A     Doctor Fisher said I was kind of in a  
18    gray area where right now he understands my  
19    symptoms and the fact that I am unable to perform  
20    those duties but he wouldn't recommend surgery at  
21    this point.

22          Q     Okay. Can you describe for the Board as  
23    you sit here today what the condition of your back  
24    is with respect to any limitations or pain and so

1       forth?

2               A       You mean as far as the diagnosis or the  
3       symptoms?

4               Q       Symptoms.

5               A       Okay.   Just constant stiffness,  
6       tightness.   I am still experiencing a lot of the  
7       spasms.   I have to ice my back constantly.   I am  
8       limited to a lot of the things -- I like to walk.  
9       I am a big walker.   But, unfortunately, I used to  
10      walk for miles, now that is very limited.   I am  
11      just very careful of the things that I do.   I try  
12      to be as ergonomic as possible.   And that is the  
13      problem with the functions of the job is people  
14      aren't getting any smaller and carrying them down  
15      four flights of stairs in a stair chair or trying  
16      to twist my body to maneuver people from between  
17      toilets and sinks and toilets and bathtubs it's  
18      just not something I can perform anymore.

19              Q       And you mentioned before you answered  
20      this question, what is your understanding of the  
21      diagnosis of the condition of your back?

22              A       Just that I have a herniation down there,  
23      with muscle spasms and you know back strain.

24              Q       When you mentioned earlier that after the

1 incident you went back to the firehouse, you know,  
2 tried to get through it, it was several hours and  
3 then you said you reported it to your partner; is  
4 that correct?

5 A Yeah. I want to say I explained it to  
6 him originally but as the time went on the spasms  
7 just became much worse and I let him know that I  
8 was going to have to go to St. Francis. So we  
9 contacted the Field Chief, who that day was John  
10 Roberts, and he met us over there to fill out the  
11 paperwork.

12 Q But did you report it to any superior  
13 officer, you know, right after it happened and  
14 prior to going to the hospital?

15 A No, I didn't.

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

18 A No. I basically since I have been on  
19 this department I have never worked a side job or  
20 had any other source of income.

21 Q Have you engaged in any sporting  
22 activities of any kind since you went on layup?

23 A No, no, it's been quite a few years for  
24 those.

1           Q     Are you currently taking any medications  
2     prescribed by a physician for pain relief or --

3           A     You know what, I'm sorry, no, just  
4     Ibuprofen. Just over-the-counter, nothing  
5     prescribed.

6           Q     Lastly, do you have any appointments  
7     scheduled with any physicians with respect to the  
8     treatment of your back?

9           A     Not as of late, no.

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

12           MR. PECORARO: Okay, thank you.

13           CHAIRMAN FORTUNA: Trustees, any  
14     questions?

15           MEMBER MCPHILLIPS: No questions.

16           CHAIRMAN FORTUNA: Thank you.

17           MR. PINELLI: Then I would call Dr. Samo  
18     to testify.

19                                 (Witness previously sworn.)

20                                 DANIEL SAMO, M.D.

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

23                                 EXAMINATION

24                                 BY MR. PINELLI:

1 Q Sir, please state your name.

2 A Daniel Samo.

3 Q You are a physician; is that correct?

4 A Yes.

5 Q Are a copy of your qualifications as a  
6 physician attached to the Board Exhibits?

7 A Yes.

8 Q Are you a consultant to this fund?

9 A Yes.

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

13 A Yes.

14 Q Did you follow that procedure with  
15 respect to Firefighter Pecoraro?

16 A Yes.

17 Q Paramedic in Charge, I'm sorry. Did you  
18 file a written report with the Board?

19 A Yes.

20 Q Dr. Samo, a couple of questions. With  
21 respect to his history, did you review the records  
22 indicating that he had had a history of lower back  
23 injuries going back to at least 2012?

24 A Yes, that was the earliest records that

1 we found and he did have recurrent low back pain,  
2 yes, multiple times.

3 Q It looks like that the -- he had a MRI.  
4 I believe it was for the first time on July 9th of  
5 2020, that is Exhibit 7B.

6 A Correct.

7 Q So none of these prior injuries to his  
8 back of which there are multiple injuries did he  
9 ever have a MRI at least in the records; is that  
10 correct?

11 A Correct.

12 Q Let's look at that 7B for a minute.  
13 Specifically 7B.2, small 2. That is the result  
14 report from that MRI; is that correct?

15 A Let me get there.

16 Q Okay.

17 A Yes.

18 Q Can you just briefly tell us what those  
19 findings were?

20 A So he had some mild degenerative disease  
21 at the L-4/5 and the L-5/S-1 so lower lumbar spine.  
22 He had a left-sided herniation which gave some  
23 minor narrowing of his spinal canal. Other than  
24 that, there was nothing really interesting or



1 significant.

2 Q Okay. So if he had a disc that was  
3 impinging on the nerve, would you have expected to  
4 see pain radiating down his leg?

5 A Yeah. Well, it may be. I mean the  
6 correlation between MRI findings and symptoms is  
7 not great. Just because there's a disc -- well, in  
8 this case his herniation is on the left, his  
9 symptoms were on the right. It is probably just an  
10 incidental finding.

11 Q Okay. But it is accurate, is it not,  
12 that he has not complained at all since the  
13 incident of any pain radiating down his leg,  
14 correct?

15 A Correct. He had some complaints of some  
16 radiation to his hip but nothing down into the leg  
17 or certainly below the knee, which is what the  
18 criteria would be for this to be a radiculopathy or  
19 sciatica.

20 Q Is the fact that none of the doctors are  
21 recommending a surgical intervention to address the  
22 disc to the extent it is protruding would that be  
23 indicative of the fact that they are not certain  
24 that condition is causing him his pain?

1           A     Right.  I would -- I am guessing what  
2     they are thinking but if it was my patient with  
3     this MRI I would not think that that herniation on  
4     the left has caused the back symptoms which mostly  
5     radiate to the right and doing surgery for axial  
6     back pain tends to be fairly poor results.

7           Q     Okay.  So this MRI shows an indication of  
8     mild degenerative disc disease.  Are you able to  
9     say to a reasonable degree of medical certainty  
10    whether or not the low back pain that he is  
11    experiencing at the current time is a result of the  
12    natural progression of degenerative disease in his  
13    back or an acute injury that he suffered on January  
14    5th?

15          A     So that is a complex and controversial  
16    question that you are asking.  We don't really know  
17    what causes people to have axial back pain and all  
18    I can say is that he had recurrent back pain but it  
19    would get better.  This time he had this incident  
20    which triggered his back pain and it did not get  
21    better.  Why that is and what is causing it exactly  
22    I don't know and I don't think anybody really  
23    knows.

24          Q     Okay.  With respect to his pain

1 complaints, assuming for the fact that they are  
2 accurate and truthful, would he be able to perform  
3 his duties with the Fire Department given the  
4 condition of pain in his back?

5 A No, he would have difficulty with heavy  
6 lifting, bending, twisting type activities.

7 Q Did you see any indication in the records  
8 -- strike that. Was your interview of him  
9 consistent with what you saw in the records?

10 A Yes.

11 Q Did you see any indication in the records  
12 that he is either malingering or magnifying his  
13 symptoms?

14 A No.

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

17 CHAIRMAN FORTUNA: Trustees, any  
18 questions for Dr. Samo? Okay, thank you.

19 MEMBER MURPHY: I'd like to make a motion  
20 to grant the benefits requested by Mr. Pecoraro.

21 MEMBER VALENCIA: Second.

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

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Holt.

4 MEMBER NANCE-HOLT: 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: I would like to make a

19 motion for reexam consistent with the Board's

20 policy.

21 MEMBER TEBBENS: Second.

22 CHAIRMAN FORTUNA: Motion for reexam by

23 Trustee Murphy. Seconded by Trustee Tebbens.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Counsel has previously

18 sent around proposed findings of fact and

19 conclusions of law in this matter. Having had a

20 change to review those, I make a motion to adopt

21 the findings of fact and conclusions of law in this

22 matter.

23 MEMBER SONI: Second.

24 CHAIRMAN FORTUNA: Motion to adopt the

1 findings of fact by Trustee Murphy. Seconded by  
2 Trustee Soni.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Holt.

6 MEMBER NANCE-HOLT: 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 Mr. Pecoraro, based on the findings of  
21 fact made by the trustees, the trustees have voted  
22 to grant the benefit that you have requested. You  
23 will notified by mail and the findings of fact and  
24 the Board's decision. Good luck to you.

1 MR. PECORARO: Thank you, very much.

2 MEMBER MURPHY: Moving on to Aparicio Rivera.

3 MS. BURNS: Vince, did you need a closed  
4 session or did you want to go right into the  
5 hearing?

6 MR. PINELLI: I thought it would be  
7 helpful for us to have a discussion ahead of time  
8 both on that and on the Widow's application for  
9 Duty Death Benefits.

10 MS. BURNS: If that is the Trustees'  
11 pleasure, maybe Trustee Murphy you could make a  
12 motion to go into closed session pursuant to  
13 Section 2(c)4 of the Open Meetings Act.

14 MEMBER SONI: Before we do that, this is  
15 Trustee Soni, I have to leave. I apologize. I  
16 just wanted to let the Board know.

17 MS. BURNS: Thank you, Trustee Soni.

18 CHAIRMAN FORTUNA: Okay, thank you.

19 Is there a motion to go into executive  
20 session?

21 MEMBER MURPHY: I'd like to make that  
22 motion, Mr. President.

23 MEMBER VASQUEZ: Second.

24 CHAIRMAN FORTUNA: There is a motion by

1 Trustee Murphy. Seconded by Trustee Valencia.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Holt.

5 MEMBER NANCE-HOLT: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 MEMBER CONYEARS-ERVIN: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 (Whereupon, the Board went into  
18 executive session off the record.

19 No action was taken in Executive  
20 Session.)

21 MR. PINELLI: Let the record reflect this  
22 is a hearing on the application for a Compensation  
23 Widow's Annuity benefit made by Adell Truevillian,  
24 widow of Robert Truevillian.



1                   Is Ms. Truevillian on the line, do we  
2 know?

3                   MR. TORRES: She is not.

4                   MR. PINELLI: I just wanted to make sure  
5 if she was I include her.

6                   For purposes of the Trustees, at this  
7 time I would first move to admit Board Exhibits 1  
8 through 7, which are the application for benefits,  
9 the marriage certificate, the death certificate,  
10 the CFD layup summary, the work history summary,  
11 on-duty exposure summary, and the memo from the  
12 Commissioner's office.

13                   Mr. Chairman, I move for admission of  
14 those exhibits into the record.

15                   CHAIRMAN FORTUNA: Admitted without  
16 objection.

17                   MR. PINELLI: Thank you.

18                   (Board Exhibits 1 through 7 were  
19 admitted into the record.)

20                   MR. PINELLI: Now, members of the board,  
21 with respect to those exhibits, they demonstrate  
22 that the widow Adell Truevillian meets the  
23 eligibility requirements for a line of duty death  
24 benefit under Section 6-140 of the Code in that she

1 was married to her husband Robert Truevillian, who  
2 was a member of the Department, that Robert  
3 Truevillian contracted COVID-19. He was exposed to  
4 it and contracted it during the period of March 9,  
5 2020 on or before December 31st of 2020. That as a  
6 result of his contraction of that disease, that he  
7 was ultimately hospitalized at MacNeal Memorial  
8 Hospital and that as a result of the  
9 hospitalization and the exposure to COVID-19 he  
10 died at MacNeal Hospital on December 17th of 2020.

11 Under the statute, there's a rebuttal  
12 presumption that if those requirements have been  
13 met that in fact the widow is entitled to the Duty  
14 Death benefits under the statute.

15 There is no evidence in this record that  
16 would rebut that presumption and indeed all of the  
17 evidence in the record establishes the criteria  
18 under that section of the Code.

19 Therefore, based on this evidence, I  
20 would recommend to the Board that it grant the  
21 application made by Adell Truevillian for the Duty  
22 Death benefits under Section 6-140.

23 MEMBER MURPHY: I'd like to make a motion  
24 to grant the Compensation Widow's Annuity benefit

1 for Ms. Truevillian.

2 MEMBER VALENCIA: Second.

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

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: Yes.

10 CHAIRMAN FORTUNA: Trustee  
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MS. BURNS: Vince, did you do findings of  
22 facts for this matter?

23 MR. PINELLI: Yes.

24 MEMBER MURPHY: I would like to make a

1 motion. Counsel has previously sent around the  
2 findings of fact and conclusions of law in this  
3 matter. Having had a chance to review those, I  
4 make a motion to adopt the findings of fact and  
5 conclusions of law in this matter

6 MEMBER TEBBENS: Second.

7 CHAIRMAN FORTUNA: Motion by Trustee  
8 Murphy. Second by Trustee Tebbens.

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee

14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 This is just for the record so based on

1 the findings of fact made by the Trustees, the  
2 Trustees have voted to grant the benefit that has  
3 been requested.

4 The notifications will be mailed of the  
5 findings of fact and the Board's decision, that is  
6 just for the record. Thank you.

7 MR. PINELLI: Let the record reflect this  
8 is the hearing on the application for a Duty  
9 Disability benefit being made by Mr. Aparicio  
10 Rivera. Mr. Rivera is present. Sir, can you  
11 please indicate your presence?

12 MR. RIVERA: I am here.

13 MR. PINELLI: I'd like to advise you of  
14 some preliminary matters before we start evidence.

15 First of all, there are seven trustees  
16 currently present on this hearing to determine your  
17 application. If you don't know you should know you  
18 need the yes vote of at least five of those seven  
19 trustees in order to receive this benefit. Do you  
20 understand that?

21 MR. RIVERA: Yes. Yes, I do.

22 MR. PINELLI: Okay. It also looks like  
23 you are proceeding without an attorney today. Is  
24 it your desire to proceed without an attorney?

1 MR. RIVERA: Yes.

2 MR. PINELLI: Lastly, it is the  
3 applicant's burden of proof, your burden of proof,  
4 to present such evidence to the Board in order for  
5 the Board to grant the benefit that you are  
6 seeking; is that correct?

7 MR. RIVERA: That's correct.

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

17 MR. RIVERA: Yes, I do.

18 MR. PINELLI: We are ready to proceed.  
19 Mr. Rivera and Dr. Samo, could you both please  
20 raise your right hands?

21 (Witnesses sworn.)

22 APARICIO RIVERA

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

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EXAMINATION

BY MR. PINELLI:

Q Could you please state your name and spell your last name for the record?

A Aparicio Rivera, R-i-v-e-r-a.

Q What is your rank with the Fire Department?

A I am a Captain.

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

A Engine 117.

Q Mr. Rivera, you should have been provided copies of Board Exhibits 1 through 13 prior to today's date. Did you receive a copy of those exhibits?

A Yes, I did.

Q Did you have a chance to review them?

A Yes.

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

A No.

MR. PINELLI: Thank you.

Mr. Chairman, I move for admission of

1 Board Exhibits 1 through 13, without objection from  
2 the applicant.

3 CHAIRMAN FORTUNA: Admitted without  
4 objection.

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

7 BY MR. PINELLI:

8 Q Now, Mr. Rivera, you are applying for  
9 this disability benefit based upon an injury that  
10 you sustained on November 7th of 2019; is that  
11 correct?

12 A That's correct.

13 Q Sir, understanding that the Board does  
14 have your sworn statement already before them,  
15 could you just briefly summarize for us where you  
16 were and what happened to you on that date?

17 A Yeah. I was a Captain at Engine 117. We  
18 were dispatched to a fire, which was the second one  
19 of the day. I ended up being second company in.  
20 The first company went to the rear and reported a  
21 fire and immediately boxed it. I got on the scene  
22 with my company and I was instructed by my  
23 Battalion Chief to do entrance on the first floor  
24 with Truck Company 29.



1                   While I was waiting for them to do  
2                   entrance on that first floor, I slipped on what was  
3                   on the -- it was on the porch -- type porch and I  
4                   slipped and there was -- it was snowing and an icy  
5                   day that day and I slipped on the stairs and I  
6                   grabbed the railing to break my fall and I tore my  
7                   bicep.

8                   Q     Have you ever injured -- which arm was  
9                   that?

10                  A     That was my right arm.

11                  Q     Had you ever injured your right bicep or  
12                  arm prior to that date?

13                  A     No, sir.

14                  Q     It looks like from the records after that  
15                  injury you underwent some conservative treatment,  
16                  but ultimately you ended up having a surgical  
17                  repair of your bicep on December 3rd of 2019; is  
18                  that correct?

19                  A     That's correct.

20                  Q     Following that surgical procedure, did  
21                  you then engage in a period of physical therapy  
22                  designed to get your right bicep back in condition  
23                  to go back to work?

24                  A     Yes, sir, I did.

1           Q     Incidentally, before we talk about the  
2     physical therapy, other than your right bicep, did  
3     you injure any other part of your body in that  
4     incident?

5           A     No, no, just the right bicep.

6           Q     Thank you. You began physical therapy --  
7     do you recall approximately when you began the  
8     physical therapy?

9           A     Sometime in January after the surgery.  
10    Surgery was in December and they gave me a month to  
11    recover before the physical therapy so it was  
12    started in January.

13          Q     Okay. When you began the physical  
14    therapy, were you doing it in-person?

15          A     I started -- no, because the Covid thing  
16    was very rampant in December and January at that  
17    time so I started doing a video conference at home  
18    with the therapist.

19          Q     You started that immediately from the  
20    beginning?

21          A     No, I went in for counsel, went into the  
22    PT, the office, and we did a couple of sessions and  
23    I was informed if I wanted to stay-at-home and do a  
24    couple of these things over the video chat or the

1 Zoom that we can do that.

2 Q Okay. So when you went into the facility  
3 at first, where was that located or what was the  
4 name of it?

5 A It's called Athletico in Six Corners on  
6 Chicago's north side here.

7 Q Okay. So after the first couple of  
8 in-person visits then you went to the virtual; is  
9 that right?

10 A Exactly.

11 Q Can you just briefly describe for the  
12 Trustees and myself, we don't have experience, how  
13 did it work when you did it virtually? Were you on  
14 the phone with them while you were doing things or  
15 did you do things and then call them up and tell  
16 them what you did? How did it work?

17 A No, I had like now the Zoom with the  
18 audio and video.

19 Q Okay.

20 A A couple sessions later he gave me a  
21 couple of things to bring home, rubber bands and  
22 stuff like that, and then we discussed a couple of  
23 workout drills I can do at home. He would call me  
24 up and then we would do a virtual over the phone

1 and like I said it was visual and audio.

2 Q So the physical therapist is actually  
3 watching you and directing you while you're doing  
4 it at home; is that right?

5 A That's correct.

6 Q Okay. That was consistent every time you  
7 did a physical therapy treatment before this  
8 injury?

9 A Yes, that lasted only maybe three or four  
10 weeks and then I couldn't get much further because  
11 I don't have the proper equipment here to do it  
12 all, but since this was just the beginning I could  
13 do some of it at home because he gave me like I  
14 said rubber bands and he gave me -- he showed me a  
15 couple of routines that I can do at home with him.  
16 And then when I got to the point where I can start  
17 picking up weights and doing more range of motion  
18 and stuff like that I came into the office and  
19 started seeing him there.

20 Q Okay. Do you remember when it was that  
21 you went back into the office to see him?

22 A I am going to say maybe April. Maybe  
23 April, May. We did a few sessions in the office  
24 for about a month or more.

1 Q Okay.

2 A Yeah.

3 Q Was it the same physical therapist that  
4 you worked with consistently throughout all your  
5 treatments?

6 A Yes, same guy.

7 Q Okay. I think his name is David Duelich,  
8 D-u-e-l-i-c-h, does that sound right?

9 A No. It is Joshua Pilarski.

10 Q Okay, I'm sorry.

11 A P-i-l-a-r-s-k-i.

12 Q Now at some point while you were doing  
13 the physical therapy your right bicep is getting  
14 better, right?

15 A Yes.

16 Q And something happened to you that caused  
17 you another injury?

18 A Yes. I was informed by the City that I  
19 had to pass an evaluation, work evaluation test,  
20 and the PT guy knew about it. He has done it  
21 before and then we started -- when I was doing  
22 weight lifting because of my arm was getting  
23 better, my right arm, we started doing the more  
24 intensive workouts which means now I am able to

1 lift five pounds and ten pounds and things in that  
2 nature.

3 Q Okay. Did something happen to you to  
4 cause you an injury when you went to this Work  
5 Hardening type program?

6 A Yeah. We were on the evaluation because  
7 like I said my right arm was feeling a lot better.  
8 I still have a little pain from that but I am still  
9 doing the evaluation. So we are doing -- there is  
10 13 evaluations I had to do to get back on the job  
11 and he knows. He had the list of evaluations that  
12 I had to do and we were working on that. We were  
13 doing weight lifting. We were doing dragging the  
14 dummy. We were crawling on the floor and then I  
15 started doing the weight lifting because I have to  
16 pick 80 pounds up to my shoulder.

17 Q Okay.

18 A So while I was doing that I got injured.

19 Q What part of your body did you injure  
20 while you were doing that?

21 A I injured my left rotator cuff.

22 Q According to your sworn statement, that  
23 happened on April 17th of 2020, correct?

24 A That's correct.

1           Q     Is it your testimony that that session in  
2     which that injury occurred to you was going on  
3     remotely or was it going on in-person at the  
4     facility?

5           A     That was in-person. I was there on the  
6     17th. Each session lasts a hour and a half. I am  
7     thinking maybe about 45 minutes to a hour into the  
8     session, because prior to me getting hurt I did the  
9     dummy drag which is a 160-pound dummy, crawling on  
10    my knees and then we were doing weight lifting, the  
11    dead lift. And then he asked -- he took -- because  
12    we kept escalating the work because I have to do 80  
13    pounds to my ear, lift 80 pounds to my shoulders,  
14    and then I had to -- actually it is 100 pounds but  
15    I was at 80 at the time. And then he informed me  
16    that we should -- since I was doing 80 pounds on  
17    the dead lift, that we can start doing the shoulder  
18    lift, which is the time I got hurt right there.

19          Q     Okay. So when you got hurt you felt pain  
20    immediately?

21          A     Yeah. I even told him. I stopped the  
22    session right there. Actually, I dropped the  
23    weights and everybody was kind of shocked. So I  
24    dropped the weights and he came to me because he

1 was on the other side of the -- I want to say the  
2 gym, the office. And he came up to me and he asked  
3 me what was wrong. I said I think I injured  
4 myself. I says I am -- I thought something on my  
5 left side. At which point we stopped the session,  
6 which I said was maybe 45 minutes or a hour into  
7 it. He grabbed a bag of ice and put it on my  
8 shoulder and I sat there for about 20 minutes to  
9 make sure the swelling -- I wasn't swollen but it  
10 was hurting and he put the bag of ice on there. I  
11 told him that is it. We both agreed that the  
12 session was over. I didn't want to get hurt again.  
13 I didn't know what was going on.

14 I went home and the next couple of days  
15 -- three days later I had the next session so  
16 Monday to Wednesday. I went in the next day  
17 Wednesday and I told him that I am still feeling  
18 pain and that I called my doctor and that I was  
19 going to go in and have him check that because I  
20 was still feeling soreness and I was having pain  
21 and it was a little swollen.

22 Q Did you go to your doctor, notify your  
23 doctor, on April 17th of the left shoulder injury?

24 A No, I didn't. I don't remember when I



1 called him but I did call him around that timeframe  
2 because if I remember I couldn't workout anymore  
3 and I knew I had something going on here now. I  
4 started to feel pain on the left side. So I called  
5 him up and let him know that I think I injured  
6 something on my left side.

7 Q Just so I am clear, your testimony is you  
8 went to Athletico on April 17th of 2020 at which  
9 time you injured your left shoulder while doing  
10 weights, correct?

11 A That's correct.

12 Q And that you reported it, obviously, to  
13 the physical therapist right when it happened,  
14 right?

15 A Yeah, it was obvious. I mean he came to  
16 me. I told him right away, you know, the session  
17 is over. I think I injured myself. At that point  
18 he grabbed the bag of ice and he started icing it  
19 down.

20 Q But then you also testified you went back  
21 on April 21st of 2020?

22 A Yes.

23 Q Right?

24 A Correct.

1 Q Did you do any lifting that day or did  
2 you just tell him you were still having problems  
3 with your --

4 A Yes, I went in the office and told him I  
5 can't do the session and I am calling my doctor  
6 that I am having pain on my left side and that was  
7 the end of that.

8 Q Okay. Now, did you review the Board  
9 Exhibits I take it, you said you did?

10 A Yes.

11 Q So you are aware that there are no  
12 physical therapy notes in the records for either of  
13 those dates, April 17th of 2020 or April 21st of  
14 2020, right?

15 A Yeah. The only thing I can think of is I  
16 got a letter from him, the physical therapist, that  
17 I was injured that day.

18 Q Okay. Have you presented that to  
19 anybody?

20 A I believe so. I believe I did.

21 Q Who did you present it to?

22 A The lady who called me for the -- that  
23 was collecting the evidence for this.

24 Q Are you talking about the Fund staff?

1           A     I am talking about the lady that -- let  
2 me get her name. I was talking about the lady that  
3 gave me -- that was collecting the evidence for the  
4 doctor to see.

5           Q     Okay. What does the letter say?

6           A     It says that I was injured that day on  
7 the 17th.

8           Q     Do you have a copy of the letter?

9           A     Yeah, I am looking for it right now.

10          Q     Mr. Rivera?

11          A     I am right here, sir.

12          Q     I just have a couple more questions.  
13 Perhaps you could hold off looking. Let me finish  
14 my questions and then I will call Dr. Samo and then  
15 you can continue looking while I do that.

16          A     Yes.

17          Q     So after this injury you testified about  
18 subsequently you did tell your doctor and he  
19 recommended a surgery; is that right?

20          A     Yes, he did.

21          Q     You had that surgery to your left  
22 shoulder?

23          A     Yes, I did.

24          Q     In August of last year; is that correct?

1           A     Yes.

2           Q     Can you describe for the board members  
3           currently, first of all, with respect to your  
4           bicep, what is the condition of that?

5           A     My right bicep, I am doing good on that.  
6           I am a little stiff some mornings but I think I am  
7           good at that right now. I mean the range of motion  
8           and the weight lifting is fine with that on my  
9           right bicep.

10                    On the left one, I am still stiff. I am  
11           still going to -- I still go to the doctors about  
12           it. It is still stiff. I don't have the range of  
13           motion. I can only go so far. I can only reach my  
14           hand so far over my head. I can't pickup any -- I  
15           can pickup some weights now but I can't pickup like  
16           20 pounds or anything like that. I am still trying  
17           to get the physical part of that back in order.

18           Q     That is with respect to your left  
19           shoulder, right?

20           A     That's correct.

21           Q     Okay. Since you went on layup have you  
22           engaged in any activities with which you earn  
23           income?

24           A     No.

1           Q     Have you engaged in any sporting  
2     activities?

3           A     No.

4           Q     Are you currently taking any medication  
5     prescribed by a doctor for pain?

6           A     No medications for pain, no.

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

9           CHAIRMAN FORTUNA: Trustees, any  
10    questions?

11          MEMBER TEBBENS: I have a question or  
12    two. Hey, Riv, how are you? It is Trustee Rob  
13    Tebbens. Are you there?

14          MR. RIVERA: Yes, I am.

15          MEMBER TEBBENS: This is going to be very  
16    important because this is what the whole thing is  
17    hinging on since it is an injury that was sustained  
18    that is not the original injury for which you went  
19    on a disability or your on-duty injury.

20          MR. RIVERA: Yeah.

21          MEMBER TEBBENS: My question to you is  
22    this. We have been using the term physical  
23    therapy. Now you have had a number of physical  
24    therapy sessions, they were in-person. And this

1 shoulder injury to the left shoulder that occurs on  
2 an in-person at Athletico is that where this  
3 happened?

4 MR. RIVERA: Yes, that is correct.

5 MEMBER TEBBENS: And you were performing  
6 a -- it doesn't sound like you were performing  
7 physical therapy for the injury, the specific right  
8 bicep injury. It appears that you were -- at least  
9 according to what I can gather here, you were  
10 performing tests that appeared to be fitness for  
11 duty tests to return to duty. Was that the case?

12 MR. RIVERA: Yes, it is.

13 MEMBER TEBBENS: Because I don't know how  
14 -- I mean the weights that you were explaining and  
15 the tasks that you were being asked to perform  
16 certainly don't seem like they were consistent with  
17 the right bicep. More so as a return to duty. So  
18 I would say that is more of a return to duty and  
19 that is a task that you were doing there.

20 And another thing is was that technically  
21 therapy or was that to assess whether you can  
22 perform a fitness for duty to return to duty?

23 MR. RIVERA: Yes, we were starting to do  
24 the evaluation.

1                   MEMBER TEBBENS: To prepare you to return  
2 to duty, not necessarily to rehabilitate and the  
3 physical therapy for the specific injury; is that  
4 correct?

5                   MR. RIVERA: Yeah, pretty much it was  
6 both because they were going to let him do the  
7 evaluation and they were going to accept it at the  
8 Fire Department.

9                   MEMBER TEBBENS: They were actually doing  
10 this as a Fire Department sanctioned test, correct?

11                  MR. RIVERA: That's correct.

12                  MEMBER TEBBENS: So Athletico is being  
13 sanctioned somehow, and maybe we can substantiate  
14 this through our attorneys, that in fact that the  
15 City is sanctioning this return of duty test  
16 through Athletico.

17                  Also, I want to say that the -- you said,  
18 Riv, that they treated you. This is very  
19 important. If they treat -- if they applied ice  
20 that is a medical treatment and it is an awareness  
21 of an injury that had occurred at the time and that  
22 is crucial to this claim right now. So, I mean, if  
23 we can -- we need more documentation and I believe  
24 that that exists and if you can provide that.

1 MR. RIVERA: Yes. I am sorry, go ahead.

2 MEMBER TEBBENS: Riv, if you can't  
3 provide it today, it is less -- you know, it would  
4 do your case -- it will support your case much more  
5 if you have that documentation and as a result you  
6 may have to defer this to the next month just so  
7 you are aware of that as the attorney kind of  
8 mentioned to you, informed you.

9 So that is what I am saying, it is very  
10 critical and I think these pieces need to -- if you  
11 could -- if you could support that treatment with  
12 ice because that is a medical treatment. If they  
13 didn't document that, that is really on their part.  
14 You know, if we can get that claim supported by  
15 another party, Athletico, that would greatly  
16 support your case. So that is all I have.

17 MR. RIVERA: Okay. Okay. Like I said, I  
18 just have to go -- I don't know what he did on his  
19 part but, yeah, he put on ice on it. I actually  
20 found the letter he send me on the email that I did  
21 get hurt there.

22 MEMBER TEBBENS: That needs to be --  
23 apparently, from what we are gathering here, that's  
24 not in the record. If that letter that you are



1 speaking of were included in the record that would  
2 lend some more support to this argument here. I  
3 think if -- and I don't know what we can do here as  
4 far as the timeline but it might be -- if you would  
5 need to include that into the record, you might  
6 need to defer this another month.

7 MEMBER CONYEARS-ERVIN: Mary Pat, is it  
8 possible to go into executive session in the middle  
9 of this?

10 MS. BURNS: Absolutely, at any time you  
11 would like to go, you are able to go into closed  
12 session.

13 CHAIRMAN FORTUNA: You can make that  
14 motion.

15 MEMBER CONYEARS-ERVIN: I would like to  
16 make that motion. Can you please advise me on the  
17 Code?

18 MS. BURNS: Yes, ma'am. It is Section  
19 2(c)4 of the Open Meetings Act, 2(c)4, in order to  
20 discuss evidence heard in the hearing.

21 MEMBER CONYEARS-ERVIN: Motion.

22 MEMBER VALENCIA: Second.

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

1 Valencia.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Holt.

5 MEMBER NANCE-HOLT: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 MEMBER CONYEARS-ERVIN: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 (Whereupon, the Board went into  
18 executive session off the record.

19 No action was taken in Executive  
20 Session.)

21 MR. PINELLI: Mr. Rivera, can you hear  
22 me?

23 MR. RIVERA: Yes I can.

24 MR. PINELLI: Sir, it has come to our

1 attention that certain records are not available to  
2 the Trustees at this time in order for them to make  
3 a decision on your case.

4 So in addition to the letter you have  
5 talked about or the email, there may be additional  
6 records from Athletico that also exist and that we  
7 did not have the benefit of.

8 So based on the fact that it is your  
9 burden of proof and it is in your best interest  
10 that the Trustees have all of the available  
11 information to them in order to make the correct  
12 and fair and proper decision in this matter, we  
13 believe it is in your best interest to defer the  
14 matter to the next board meeting, which is March  
15 17th, at which time you would be the first matter  
16 on the docket, to complete this hearing. You have  
17 testified and that's fine, but we haven't called  
18 the doctor to testify or any other witnesses, if we  
19 thought that was necessary, but that would be  
20 important for the Trustees to have all of the  
21 available information.

22 So that is what the Trustees are going to  
23 do this morning is just to defer, keep the matter  
24 open but defer it, to conclude it at the next board

1 meeting. Certainly, all of the documents that we  
2 obtain, additional documents that were not part of  
3 the Board Exhibits, we will make available to you  
4 and get to you as well. They will be marked as  
5 additional Board Exhibits.

6 MS. BURNS: Given that statement, is  
7 there a motion by a Trustee to defer the Rivera  
8 matter for the purpose of obtaining additional  
9 evidence referenced by the applicant in his oral  
10 testimony?

11 MEMBER MURPHY: I'd like to make the  
12 motion on advice of Fund counsel.

13 CHAIRMAN FORTUNA: Trustee Murphy, you  
14 are making the motion to defer, is that what I  
15 heard?

16 MEMBER MURPHY: Yes.

17 MEMBER NANCE-HOLT: I will second it.

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

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Holt.

24 MEMBER NANCE-HOLT: Yes.

1                   CHAIRMAN FORTUNA:  Trustee

2                   Conyears-Ervin.

3                   MEMBER CONYEARS-ERVIN:  Yes.

4                   CHAIRMAN FORTUNA:  Trustee McPhillips.

5                   MEMBER MCPHILLIPS:  Yes.

6                   CHAIRMAN FORTUNA:  Trustee Tebbens.

7                   MEMBER TEBBENS:  Yes.

8                   CHAIRMAN FORTUNA:  Trustee Valencia.

9                   MEMBER VALENCIA:  Yes.

10                  CHAIRMAN FORTUNA:  And I am a yes.

11                  Motion carries.

12                  The matter is deferred.

13                  MR. RIVERA:  Could I have a question?

14                  MS. BURNS:  Yes, sir.

15                  MR. RIVERA:  I need to get evidence is  
16                  there -- what exactly do I need?  I know I have to  
17                  get something from the physical therapy to verify  
18                  what happened that day to me there what they did,  
19                  that basically is it?

20                  MS. BURNS:  Sir, why don't you let us do  
21                  some of the groundwork on this for you.  What we  
22                  will do is we will go back to the physical  
23                  therapist and make sure if there are records that  
24                  you have referenced we will then make sure that you

1 receive copies of the documents that we receive  
2 and we will share those with the Trustees.

3 If we think we need something else from  
4 you, we will be in touch with you, but right now  
5 the burden is on us to see if we can supplement  
6 this record, okay?

7 MR. RIVERA: Okay, great.

8 MR. PINELLI: You just take care of  
9 yourself for now, okay?

10 MR. RIVERA: All right, thank you.

11 MS. BURNS: Thank you, sir.

12 MEMBER MURPHY: Mr. President, I'd like  
13 to move to Item 5, Approval of Board Physician  
14 Reviews of Disability Recipients. I'd like to move  
15 to approve the Board physician's recommendations  
16 for reviews.

17 MEMBER CONYEARS-ERVIN: Second.

18 CHAIRMAN FORTUNA: There is a motion to  
19 approve by Trustee Murphy. Seconded by Trustee  
20 Conyears-Ervin.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Holt.

24 MEMBER NANCE-HOLT: Yes.

1                   CHAIRMAN FORTUNA:  Trustee

2   Conyears-Ervin.

3                   MEMBER CONYEARS-ERVIN:  Yes.

4                   CHAIRMAN FORTUNA:  Trustee McPhillips.

5                   MEMBER MCPHILLIPS:  Yes.

6                   CHAIRMAN FORTUNA:  Trustee Tebbens.

7                   MEMBER TEBBENS:  Yes.

8                   CHAIRMAN FORTUNA:  Trustee Valencia.

9                   MEMBER VALENCIA:  Yes.

10                  CHAIRMAN FORTUNA:  And I am a yes.

11                  Motion carries.

12                  MEMBER MURPHY:  I would like to turn it

13   over to Lorna who will walk us through the

14   investment agenda.

15                  CHAIRMAN FORTUNA:  Thank you, Secretary

16   Murphy.

17                  MS. SCOTT:  So given the time I am going

18   to shorten up my report just a little bit.  I will

19   probably start with the cash needs.

20                  Just for some highlights, the investment

21   report primarily contains performance.  Also a

22   reminder we do have an investment consultant RFP

23   outstanding so we are in the quiet period for that

24   search.

1 I am going to move the MWDBE broker  
2 utilization and the IPS review to March so we have  
3 a little bit more time on that.

4 So with that I will turn it over to  
5 Jackie for Item D, February cash needs.

6 Marc, if you want to share your screen  
7 for that one.

8 MEMBER CONYEARS-ERVIN: Lorna, are you  
9 going to wait to speak about the response that we  
10 received from Mellon? Are you going to wait until  
11 next month for that?

12 MS. SCOTT: I am. Madam Treasurer, Brady  
13 and I are very willing to have a conversation with  
14 you and your team about all that offline as well  
15 but I will cover it in March as well.

16 MEMBER CONYEARS-ERVIN: Okay, thank you.

17 MS. VLAHOS: For cash needs, as of  
18 February 15th, we have a current cash balance of  
19 approximately 5 million dollars. We are  
20 anticipating an additional salary contribution by  
21 the end of the month of almost 1.9 million bringing  
22 our available cash to almost 7 million dollars.

23 With our benefit checks for the month of  
24 February, outstanding checks, Death Benefits, we



1 have no Refunds this month and our regular office  
2 payables brings us to expenditures for February of  
3 33.5 million. Leaving us a shortage of  
4 approximately 26.5 million.

5 If we can go to the next page to cash  
6 flows. As you can see, I think as we discussed  
7 last month, we are hoping to not have to do a  
8 drawdown by February.

9 Like in all years, whenever we have the  
10 first tax due date, it's usually March 1st, around  
11 then, so we do start getting large tax receipts  
12 usually by the end of the month.

13 However, I think what we're going to have  
14 to do, and Lorna can talk about it a little bit  
15 more, is that we are going to have to do like an up  
16 to. So a 26.7 million draw we're going to need to  
17 cover our expenses for this month but it will be an  
18 up to.

19 Hopefully, we will get some larger tax  
20 receipts in before the end of the month. I know  
21 talking with some other people there is it looks  
22 like an extension to May where you won't be charged  
23 late fees.

24 However, last year I know that the City

1 of Chicago or the County has offered the same type  
2 of thing and even though they offered that  
3 extension, we still seemed that we were getting our  
4 tax receipts on time.

5 So, hopefully, that is still going to be  
6 the case this year and after that if we do need a  
7 drawdown we should be good for the remainder of the  
8 year due to the fact that this is the first year  
9 under the new funding where we should be getting  
10 371 million dollars this year and going forward due  
11 to the new funding we shouldn't have any more draw  
12 downs fingers crossed.

13 This is kind of in line with the way we  
14 always collect tax receipts. Usually we get zero  
15 amount in January and then usually in February we  
16 always get it usually around the end of the month.  
17 It just all is kind of centered around the way the  
18 cycle works for how we receive our taxes.

19 Is there any questions?

20 MEMBER MCPHILLIPS: Jackie, are you  
21 saying that we did receive zero in January of 2021?

22 MS. VLAHOS: Yes, which is normal. I  
23 mean usually -- as I was talking to other people in  
24 Illinois, I don't even think you received your bill

1 yet so it would be difficult to get tax receipts if  
2 no one even knew how much they owed.

3 MEMBER MCPHILLIPS: Right. Historically  
4 don't we at least get a trickle in January? I  
5 mean, in 2022 you're predicting some money in  
6 January.

7 MS. VLAHOS: No, usually what happens is  
8 there is a little trickle over effect is what  
9 happens is -- and I talked with Reshma. I know  
10 she's not on the phone right now. Usually it is a  
11 settle up. Usually they owe us a little bit from  
12 the previous year so they will kind of settle up a  
13 payment where we will get something end of January,  
14 early to late February, where they are settling up  
15 to make the last year whole but obviously this is  
16 just an estimate.

17 MEMBER MCPHILLIPS: Okay, thank you.

18 MS. VLAHOS: No problem.

19 MS. SCOTT: Moving to the rebalancing  
20 template. So the first column shows our allocation  
21 as of February 12th. At the bottom of the first  
22 column you can see we have cash at Northern of  
23 about 1.7 million. Jackie has indicated she needs  
24 26.7 million to replenish the Chase account.

1           On the template, I am proposing raising  
2 all of this cash from the Wells Fargo account, that  
3 is at the top of the page. This cash raise  
4 proposition really relates to the next item on the  
5 agenda that Brady is going to touch on but just in  
6 a nutshell, an overview plan, is to sell the Wells  
7 Fargo assets and transition those assets to the  
8 Russell 1000 Value Index Fund managed by Rhumblin.

9           In the short-term, the immediate term,  
10 we have a cash need in that we need cash for  
11 benefit payments. The idea is to use some of that  
12 cash from the Wells Fargo sale for benefit  
13 payments. Then when we get City contributions,  
14 those come in like generally late February early  
15 March, then we will put that cash in the Russell  
16 1000 Value Index Fund. Completing the whole Wells  
17 Fargo transition from an active managed account to  
18 an index fund.

19           I am going to turn right over to Brady to  
20 kind of talk about why we are recommending  
21 termination of Wells Fargo.

22           MR. O'CONNELL: Thank you, Lorna. There  
23 is a memorandum from Callan and I will just try to  
24 summarize it briefly.

1           So the MetWest Capital Team at Wells  
2           Fargo Asset Management will be experiencing the  
3           retirement of J.B. Nadal, the Senior Portfolio  
4           Manager, who has been in charge since 2017.

5           As part of that change, they will also be  
6           consolidating this asset management team and  
7           shifting to a team that doesn't currently manage  
8           large cap value equities.

9           Some of you may recall that this manager  
10          was on the watchlist four years ago and I think  
11          they were a great success story of prudently using  
12          the watchlist. We put them on the watchlist  
13          because the previous Portfolio Manager Jeffrey Peck  
14          retired or was demoted and left the firm.

15          J.B. Nadal came in. He did a great job  
16          turning the portfolio around. Performance  
17          improved. He is now leaving. They are kind of  
18          consolidating the team. What you will be getting  
19          is something different than what we experienced in  
20          the past and from what we bought.

21          So in light of that we're recommending  
22          the Board consider terminating the Wells Fargo  
23          MetWest team. This is an incident where we think  
24          there is a little more urgency so we are bypassing

1 the watchlist mechanism and we're recommending the  
2 Board take action.

3 In light of that recommendation from  
4 Callan to terminate, and speaking with Lorna about  
5 cash needs, it just made sense to source the cash  
6 initially from Wells Fargo given that it may be  
7 temporary until we get additional tax receipts  
8 later in the month. But we want to maintain  
9 exposure to the large cap value style, which they  
10 bring to the overall portfolio, and then once we  
11 have time to conduct a search to find another  
12 active manager to implement this approach we will  
13 do that. So this parking if you will in an index  
14 fund is meant to be temporary so that we can find  
15 another manager to oversee the portfolio on a  
16 long-term basis.

17 I will pause there and see if there are  
18 any questions about that recommendation from  
19 Callan.

20 MS. SCOTT: If there are no questions,  
21 then I am looking for a motion and it is kind of --  
22 these are my words, I am sure legal will finesse  
23 them a little bit. But it is a motion to terminate  
24 Wells Fargo and hire Rhumblin subject to legal

1 contract negotiations to manage a Russell 1000  
2 Value Index Fund with the transition of the assets  
3 coordinated with the cash raise for benefit  
4 payments and then subsequent reimbursing the  
5 allocation from City contribution.

6 MEMBER MCPHILLIPS: Mary Pat, are you  
7 happy with that motion?

8 MS. BURNS: I am, sir.

9 MEMBER MCPHILLIPS: I will make that  
10 motion, Dan.

11 MEMBER MURPHY: Second.

12 CHAIRMAN FORTUNA: There's a motion by  
13 Trustee McPhillips. Seconded by Trustee Murphy.

14 MS. SCOTT: That generally concludes the  
15 action items in the investment report.

16 The last item is the Callan fourth  
17 quarter review, which is the summary and then some  
18 exposure charts and universe charts. We will leave  
19 those for you and we are happy to have offline  
20 conversations and meetings with anyone about those  
21 items. Otherwise, that concludes the investment  
22 report.

23 CHAIRMAN FORTUNA: Any questions? Thank  
24 you.

1 MS. BURNS: Do you think maybe it would  
2 be prudent, Brady, just to give an overview of the  
3 fourth quarter, like what happened, without getting  
4 into too many details?

5 MR. O'CONNELL: It was very good news so  
6 I am always happy to spend a little more time on  
7 the good news. If it is the Board's pleasure, I  
8 can do that for a brief period of time. Just let  
9 me know how much time you think I should spend.

10 MS. BURNS: Maybe just a minute for the  
11 record.

12 MR. O'CONNELL: So the Fund had a very  
13 good year in the fourth quarter. So some of you  
14 will recall the first quarter was very difficult.  
15 The Fund has a lot in public equities. It doesn't  
16 have a lot in private equity or real estate.

17 So in the first quarter when the market  
18 dropped the portfolio did poorly. What we saw in  
19 the fourth quarter is a pretty significant rebound.

20 The Fund was up over 10 percentage  
21 points. Importantly the small cap overweight that  
22 is embedded in the portfolio helped so we saw  
23 active management rebound and we saw some positions  
24 that hurt us earlier in the year come back and



1 rebound.

2           So you may recall in the first quarter  
3 when we were experiencing the pain of that position  
4 we spent some time explaining what it was and why  
5 we have it. We did see small cap and value come  
6 back into favor in the fourth quarter and your  
7 results benefited from that. So in the fourth  
8 quarter we ranked in the top decile. I think we  
9 are the Number 4 Fund in the universe and we  
10 exceeded the performance benchmark.

11           So it was a very good quarter and it kind  
12 of helped fill the performance gap that we saw in  
13 the first quarter of 2020. All in all a very good  
14 quarter.

15           MS. BURNS: Thank you, Brady.

16           MEMBER MURPHY: Mr. President, I'd like  
17 to move on to Item 7, Expenditures, Administrative  
18 Expenses for Board review and approval. I'd like  
19 to make a motion to approve these expenses as they  
20 are presented.

21           MEMBER VALENCIA: Second.

22           CHAIRMAN FORTUNA: There is a motion by  
23 Trustee Murphy. Seconded by Trustee Valencia.

24           Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, I would  
16 like to move on to Item 8 Legislative Update and  
17 Item 9 Executive Director's Report. Sarah, can you  
18 please update the Board?

19 MS. BOECKMAN: Thank you. So the  
20 legislative update report is included in your  
21 materials from Phelps Barry & Associates. If  
22 anyone has any questions, I am happy to take those  
23 back to Brandon.

24 He did note that the filing deadline for

1 the House is this Friday so he expects there to be  
2 some movement this week and that you might have a  
3 more robust report from him at your March meeting.

4 He also indicated he would be available  
5 to appear at the March meeting to answer any  
6 questions about all the activity that we expect to  
7 happen over the next month.

8 So you do have those reports in your  
9 materials. If anyone has any questions, I am happy  
10 to bring those back to Brandon or insure that he  
11 contacts you to respond to those.

12 If not, I will move on to my Executive  
13 Director's report.

14 Moving on to my Executive Director's  
15 Report, I really just have three items. The first  
16 included in your materials you should see some  
17 information that Lorna prepared related to the  
18 Fund's exposure to fossil fuel investments.

19 The reason that we included this  
20 information is that a resolution was introduced by  
21 City Council relating to fossil fuels and  
22 requesting that the City funds cease new direct  
23 investments and then also divest from direct  
24 holdings and combined funds in fossil fuel

1 companies.

2 It was introduced and referred to  
3 committee, the committee on Committees and Rules,  
4 so there hasn't been any movement since the end of  
5 January on this, but as part of that resolution the  
6 City did ask all the funds, all the City funds, to  
7 supply information relating to their exposure in  
8 those investments and that is the material that  
9 Lorna included on board pack.

10 I would just note from a legal  
11 perspective, and I know Mary Pat would say this so  
12 I apologize I hope I am not stealing her thunder,  
13 but the City's Home Rule Authority with respect to  
14 investment matters is expressly preempted by the  
15 Pension Code. So as fiduciaries as you know you  
16 are required to follow the Pension Code in making  
17 investment decisions that are in the best interest  
18 of the Fund's participants and beneficiaries.

19 So while you can absolutely in good faith  
20 give information that is reasonably requested from  
21 the City Council, you need to be very careful in  
22 insuring that investment decisions are consistent  
23 with the Pension Code and the best interest of your  
24 participants and beneficiaries.

1           Like I said, there's been no movement on  
2 this resolution but we did want you to be aware  
3 consistent with the Fund's past practice that we  
4 did supply this information to City Council.

5           MEMBER CONYEARS-ERVIN: Sarah, I was  
6 looking at that letter. I don't know if that came  
7 from City Council.

8           MS. BOECKMAN: Lorna, do you mind -- it  
9 might have been someone within -- I don't have the  
10 email pulled up. I don't know if I saw the email.

11          MS. SCOTT: I don't recall.

12          MEMBER CONYEARS-ERVIN: I just wanted to  
13 note that, Sarah, because sometimes we see  
14 letterhead and we start moving on things. I was  
15 actually going to address that with all of the  
16 Pension Funds and I just remember when you stated  
17 this I just want us to be mindful of that and maybe  
18 sometimes a phone call to see where it is going  
19 because I don't think that came from City Council.

20          MS. BOECKMAN: That is a great point,  
21 Madam Treasurer. I will touch base with Lorna on  
22 that and we'll make sure when we are responding to  
23 information we know where it is going and what it's  
24 going to be used for.

1                   MEMBER CONYEARS-ERVIN: Exactly. By the  
2 way, Sarah and Mary Pat, if you can help for the  
3 Pension Funds you are on, I think they all did just  
4 what you did and I don't believe it came from the  
5 City Council.

6                   MS. BOECKMAN: Understood. Thank you. I  
7 appreciate that.

8                   So if there is no further comments on  
9 that, I will move to the second item and I believe  
10 this is also included in the materials that were  
11 posted on board pack.

12                   This is the ethics certification and I  
13 know Steve raised this at the January meeting.  
14 It's just a friendly reminder that as part of our  
15 end of the year process with the Board we ask board  
16 members to sign a certification acknowledging that  
17 you had received a copy of the Ethics Policy and  
18 that you understand the requirements therein.

19                   It is included in board pack and what I  
20 will also do is followup with an email after the  
21 board meeting just so you have access right there  
22 at your fingertips. If you could review that, sign  
23 it and send it back to me, that would be great so  
24 we have a record and again this is consistent with

1 the Fund's and the Board's end of the year process.

2 I will insure after this board meeting  
3 that everyone has a copy of that and I would  
4 appreciate everyone returning an executed copy to  
5 me so thank you in advance.

6 And then the last two items on my report.  
7 The first relates to a job posting for the Benefit  
8 Analyst position. The Board approved this as part  
9 of the approved budget for 2021 and I just wanted  
10 to update the Board that I worked with Lori to  
11 finalize the job description and it has been posted  
12 formally.

13 So I encourage all Trustees to share that  
14 posting, you can find it on our website, with  
15 potentially eligible and interested candidates  
16 because I know we're looking forward to having  
17 qualified and good candidates to fill that role.  
18 The position is open until March 5th. Anyone has  
19 any questions on that?

20 Hearing none, the last item on my report  
21 relates to the Executive Director search.

22 I am honored that the Board has asked me  
23 to fulfill this role in an interim basis but it is  
24 interim so I worked over the last couple weeks to

1 make sure that the job description was formally  
2 posted.

3 It was shared with all of you and before  
4 we go into specifics about the process and next  
5 steps, I think there might be some interest on the  
6 board to go into executive session but I did just  
7 want to note that it has been formally posted.

8 MEMBER MURPHY: Mr. President, I would  
9 like to make a motion that we proceed in closed  
10 session pursuant to sections 2(c)1 and 11 of the  
11 Open Meetings Act.

12 MEMBER NANCE-HOLT: Second.

13 CHAIRMAN FORTUNA: There is a motion by  
14 Trustee Murphy. Seconded by Trustee Holt.

15 (Whereupon, the Board went into  
16 executive session off the record.

17 No action was taken in Executive  
18 Session.)

19 CHAIRMAN FORTUNA: I am going to need a  
20 motion for the Executive Director's search. Would  
21 you like to make that motion, Trustee McPhillips?

22 MEMBER MCPHILLIPS: Sure, Dan, I will  
23 give it a shot.

24 A motion to form an Executive Director



1 search committee made up of the officers of the  
2 Pension Fund. Also allowing any Trustees to attend  
3 the meeting but without voting privileges.

4 CHAIRMAN FORTUNA: Do I have a second?

5 MEMBER NANCE-HOLT: Trustee Holt.

6 CHAIRMAN FORTUNA: There's a second by  
7 Trustee Holt.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: Trustee Valencia.

20 MEMBER VALENCIA: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 Is there anything else, Mary Pat?

24 MS. BURNS: No, sir.

1                   MEMBER MURPHY:  If there is nothing else  
2 on the agenda, I'd like to make a motion to  
3 adjourn.

4                   MEMBER TEBBENS:  Second.

5                   CHAIRMAN FORTUNA:  Motion to adjourn by  
6 Trustee Murphy.  Seconded by Trustee Tebbens.  All  
7 in favor?

8                   Trustee Murphy.

9                   MEMBER MURPHY:  Yes.

10                  CHAIRMAN FORTUNA:  Trustee Holt.

11                  MEMBER NANCE-HOLT:  Yes.

12                  CHAIRMAN FORTUNA:  Trustee

13 Conyears-Ervin.

14                  MEMBER CONYEARS-ERVIN:  Yes.

15                  CHAIRMAN FORTUNA:  Trustee McPhillips.

16                  MEMBER MCPHILLIPS:  Yes.

17                  CHAIRMAN FORTUNA:  Trustee Tebbens.

18                  MEMBER TEBBENS:  Yes.

19                  CHAIRMAN FORTUNA:  Trustee Valencia.

20                  MEMBER VALENCIA:  Yes.

21                  CHAIRMAN FORTUNA:  And I am a yes.

22                  Thank you.

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24                  (WHICH WERE ALL THE PROCEEDINGS

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IN THE ABOVE-ENTITLED MEETING  
AT THIS DATE AND TIME.)



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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

MS. SARAH A. BOECKMAN

ALSO PRESENT:

LORI LUND, Deputy Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

MARC TORRES, IT Analyst

MARK MYSLINSKI, City Treasurer's Office

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

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

1                   CHAIRMAN FORTUNA: I believe I have a  
2 quorum so if you would take a roll call.

3                   MS. BURNS: Trustee Valencia.

4                   Trustee Holt.

5                   Trustee Conyears-Ervin.

6                   MEMBER CONYEARS-ERVIN: Good morning,  
7 here.

8                   MS. BURNS: Good morning, Madam  
9 Treasurer.

10                  Trustee Soni.

11                  MEMBER SONI: Yes.

12                  MS. BURNS: Trustee McPhillips.

13                  MEMBER MCPHILLIPS: Here. Happy St.  
14 Patrick's Day to everybody.

15                  MS. BURNS: Trustee Tebbens.

16                  I can let the fellow trustees know,  
17 President Fortuna, Trustee Tebbens is in the office  
18 but he hasn't hooked into his computer yet so we  
19 will log him in as being present.

20                  MS. BURNS: Trustee Murphy.

21                  MEMBER MURPHY: Here. Good morning.

22                  MS. BURNS: President Fortuna.

23                  CHAIRMAN FORTUNA: I am here.

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

1                   CHAIRMAN FORTUNA: Thank you all for  
2 being here.

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

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

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

1 within its jurisdiction.

2 Are there any requests for public  
3 comments today?

4 MEMBER TEBBENS: Good morning, Mr.  
5 President and everyone. I'd like to be marked  
6 present. Sorry, I am late on this.

7 CHAIRMAN FORTUNA: Okay. Thank you,  
8 Trustee Tebbens.

9 Are there any requests for public  
10 comment?

11 Hearing none, I am going to move on and  
12 turn the meeting over to Secretary Murphy, Bill.

13 MEMBER MURPHY: Thank you. First, I'd  
14 like to turn to the Approval of Administrative  
15 Items. Item 1A, Approval of Minutes. Regular  
16 audio minutes for February 18th open and closed  
17 minutes and the Regular Audio Meeting Transcript  
18 for February 17, 2021.

19 I would like to make a motion to approve  
20 the open minutes, the audio transcript, and the  
21 closed session minutes for the February 17th  
22 meeting and to keep the closed session minutes  
23 closed on recommendation of counsel.

24 MEMBER TEBBENS: Second.



1                   CHAIRMAN FORTUNA:   Okay.   There is a  
2   motion by Trustee Murphy.   Second by Trustee  
3   Tebbens.

4                   Trustee Murphy.

5                   MEMBER MURPHY:   Yes.

6                   CHAIRMAN FORTUNA:   Trustee Holt has not  
7   come on nor has Trustee Valencia.

8                   Trustee 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:   And I am a yes.

17                  Motion carries.

18                  MEMBER MURPHY:   Moving onto Item 2B, the  
19   Minimum Formula Annuities.   I make a motion to  
20   approve the Minimum Formula Annuities starting with  
21   Member 11812 and ending with Member 16291.

22                  MEMBER SONI:   Second.

23                  CHAIRMAN FORTUNA:   There is a motion by  
24   Trustee Murphy.   Seconded by Trustee Soni.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Holt and  
4 Trustee Valencia are not on yet.

5 Trustee Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: I'd like to move to Item  
16 2C, Survivor Annuities/Widow's and Children's  
17 Annuities. I will make a motion to approve the  
18 Widow's and Children's Annuities starting with  
19 Member 08323 through Member 14766.

20 MEMBER CONYEARS-ERVIN: Second.

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

24 Trustee Murphy.

1 MEMBER MURPHY: 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 McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: Mr. President, moving on  
14 to Item 2D, Refunds. There is one this month. I  
15 make a motion to approve the refund for Member  
16 19542.

17 MEMBER MCPHILLIPS: Second.

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

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 Item 2E,  
11 Death Benefits. I'd like to make a motion to  
12 approve the Death Benefits for Member 09594 through  
13 Member 05796.

14 MEMBER CONYEARS-ERVIN: Second.

15 CHAIRMAN FORTUNA: There is a motion by  
16 Trustee Murphy. Seconded by Trustee  
17 Conyears-Ervin.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee  
21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Moving on to Item 2F,  
8 Partial Payments. I make a motion to approve the  
9 partial payments beginning with Member 09594  
10 continuing through to Member 05796.

11 MEMBER MCPHILLIPS: Second.

12 CHAIRMAN FORTUNA: There is a motion by  
13 Trustee Murphy. Seconded by Trustee McPhillips  
14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee  
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: And I am a yes.

2 Motion carries.

3 MEMBER VALENCIA: Trustee Valencia is  
4 here and I am a yes.

5 CHAIRMAN FORTUNA: Good morning, Trustee  
6 Valencia.

7 MEMBER VALENCIA: Good morning, everyone.  
8 Sorry I am late.

9 CHAIRMAN FORTUNA: That is okay.

10 MEMBER MURPHY: Moving to Item 2G Benefit  
11 Recalculations. There is one Benefit Recalculation  
12 to modify a child's annuity to a full orphan  
13 annuity.

14 Does the staff confirm that the proper  
15 paperwork is on file?

16 MS. LUND: Yes, all paperwork is on file  
17 and reviewed by Mary Pat and it was also included  
18 in your board portal.

19 MS. BURNS: Thank you, Lori.

20 MEMBER MURPHY: Based on the staff's  
21 representation, I would like to make a motion to  
22 approve an adjustment in the child's annuity amount  
23 to a full orphan rate for Member 10539 in the  
24 amount of \$1,032,93 per month beginning January 26,

1 2019.

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  
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 MEMBER MURPHY: Moving on to 2H on  
21 Requests for Permission. There is one guardianship  
22 matter for Member 12300. Staff has confirmed that  
23 the appropriate documentation is on file. I would  
24 like to make a motion to approve the Guardianship

1 relating to Member 12300.

2 MEMBER SONI: Second.

3 CHAIRMAN FORTUNA: There is a motion to  
4 approve by Trustee Murphy. Seconded by Trustee  
5 Soni.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee  
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: There is also three  
22 requests to reside out of state, Mr. President,  
23 from Members 12490, 17809 and 16416. I'd like to  
24 make a motion to approve.



1 MEMBER CONYEARS-ERVIN: Second.

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

5 Trustee Murphy.

6 MEMBER MURPHY: 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 MEMBER MURPHY: Moving on to Item 2I, I  
21 would like to make a motion to approve Removals  
22 starting with James Cunningham and ending with  
23 Jacob McCarty.

24 MEMBER MCPHILLIPS: Second.

1 CHAIRMAN FORTUNA: Motion for Removals by  
2 Trustee Murphy. Seconded by Trustee McPhillips  
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: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Moving on to Item 3,  
19 Request for Payments Pursuant to Administrative and  
20 Court Order. I move that the administrative and  
21 court order listed in the docket for Members  
22 011006, 013528, 013804 and 015720 be approved.

23 MEMBER VALENCIA: Second.

24 CHAIRMAN FORTUNA: Motion to approve by

1 Trustee Murphy. Seconded by Trustee Valencia.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Moving on to Item 4,

18 which is the Duty Disability application. We have

19 Aparicio Rivera, Captain of Engine 117.

20 CHAIRMAN FORTUNA: Thank you.

21 MR. PINELLI: Mr. Rivera, are you on the

22 line?

23 MR. RIVERA: Yes, I am here.

24 MR. PINELLI: Good morning, Mr. Rivera.

1           Let the record reflect this is a  
2 continuation of a hearing on the application for a  
3 Duty Disability benefit made by Mr. Aparicio  
4 Rivera. Mr. Rivera is present.

5           This matter was initiated at the last  
6 board meeting on February 17th of 2021. At that  
7 time we began presentation of evidence. Mr. Rivera  
8 testified. At the conclusion of his testimony,  
9 there was discussion as to whether or not the Board  
10 had all of the relevant documents relating to his  
11 physical therapy treatments.

12           After discussion with Mr. Rivera, it was  
13 agreed by the parties, the Board and Mr. Rivera  
14 that the matter would be put over, the record would  
15 be held open in order to allow the introduction of  
16 any additional information by way of documents.

17           In the interim, the Board staff prepared  
18 what is marked as now Board Group Exhibit Number 9,  
19 which are physical therapy records from his  
20 treatment. Those were distributed to the Board as  
21 well as to Mr. Rivera.

22           Mr. Rivera, did you receive those  
23 documents?

24           MR. RIVERA: Yes, I did.

1 MR. PINELLI: Okay. Along with the  
2 documents, did you receive a letter from the staff  
3 indicating that if you had any additional documents  
4 or records that you wanted the Board to consider  
5 that you would have the opportunity to present  
6 them? Did you receive that letter?

7 MR. RIVERA: Yes, I did.

8 MR. PINELLI: Did you present any  
9 additional documents to the board?

10 MR. RIVERA: No, I did not.

11 MR. PINELLI: Okay. So that is where we  
12 are. Based on that additional evidence, are you  
13 prepared to proceed further today, Mr. Rivera?

14 MR. RIVERA: Yes, I am.

15 MR. PINELLI: Okay. Then at this time,  
16 first of all, I would ask the Board President for  
17 the admission of Group Board Exhibit Number 9. Do  
18 you have any objection to that, Mr. Rivera?

19 MR. RIVERA: No.

20 MR. PINELLI: Then I move for admission,  
21 without objection from the applicant.

22 CHAIRMAN FORTUNA: It is admitted without  
23 objection.

24 (Group Board Exhibit 9 was admitted

1                   into evidence.)

2                   MR. PINELLI: Thank you. Then we are  
3 ready to proceed further.

4                   I would call Dr. Samo to testify. Could  
5 you raise your right hand, please?

6   (Witness sworn.)

7   DANIEL SAMO, M.D.

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

10   EXAMINATION

11   BY MR. PINELLI:

12                   Q     State your name, please.

13                   A     Daniel Samo.

14                   Q     You are a physician; is that correct?

15                   A     Yes.

16                   Q     Is a copy of your qualifications as a  
17 physician attached to the Board Exhibits?

18                   A     Yes.

19                   Q     Do you perform a function as a consultant  
20 to this Board?

21                   A     Yes.

22                   Q     In that capacity, do you review medical  
23 records, examine applicants or interview them and  
24 report to the Board?

1           A     Yes.

2           Q     Did you follow that procedure with  
3     respect to Mr. Rivera?

4           A     Yes.

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     Dr. Samo, you did not have the  
9     opportunity to examine Mr. Rivera but you did  
10    interview him; is that correct?

11          A     Correct.

12          Q     Following your interview of him as well  
13    as your review of the medical records, can you tell  
14    the Board what the state of his current condition  
15    is, please?

16          A     I think that he's had a surgery to his  
17    right shoulder and that is what is causing his  
18    problems right now. He did initially have a tear  
19    of a tendon in his elbow, that was repaired and he  
20    has recovered from that. So currently his problem  
21    is with his shoulder.

22          Q     Just to be clear, doctor, I think you  
23    said he had surgery to his left shoulder. He  
24    actually did have surgery to his right arm.

1           A     I'm sorry, yes, his right arm.

2           Q     And then subsequently did he have a  
3 surgery to his left shoulder?

4           A     Left shoulder, correct.

5           Q     And then with respect to his right arm  
6 and the procedures with respect to that, how is he  
7 proceeding with rehabilitation?

8           A     He's completed the rehabilitation for his  
9 elbow. He was released by his physician and he  
10 said he has no significant problems with that  
11 elbow.

12          Q     All right. Now let's talk about the left  
13 shoulder. During the course of his time on layup  
14 and before the hearing, did you review records that  
15 stated there was an injury to his left shoulder?

16          A     Yes.

17          Q     And then was it recommended and did he in  
18 fact undergo a surgical procedure to the left  
19 shoulder for his rotator cuff?

20          A     Yes.

21          Q     With respect to that condition right now,  
22 where is he at in terms of MMI and recovery from  
23 the left shoulder?

24          A     So shoulder surgery is typically going to



1 be four to six months at least to be fully  
2 rehabilitated. He still has a lot of symptoms with  
3 the weakness and pain with motion, but he said he's  
4 much improved since surgery. Still missing some  
5 range of motion but that was also improving.

6 Q Now, doctor, at the last board meeting  
7 there was discussion about the physical therapy  
8 notes that were provided. Just so we're clear on  
9 the record, did you at the time you did your  
10 initial report have the opportunity to review all  
11 of the physical therapy records that had been  
12 obtained with respect to him?

13 A Yes.

14 Q Okay. So even though they weren't marked  
15 and they weren't part of the Board Exhibits at that  
16 time, you still had the opportunity to review all  
17 of them; is that correct?

18 A Yes.

19 Q Now let's talk about the cause of that  
20 injury to his left shoulder for a moment. Did you  
21 interview him about that?

22 A I did.

23 Q Did you also review the records in the  
24 physical therapy notes with respect to what he said

1 about that and what occurred during the physical  
2 therapy?

3 A Yes.

4 Q Doctor, what did you find with respect to  
5 the cause of the injury to his left shoulder?

6 A I don't know what the cause was. There  
7 is inconsistent histories. Well, inconsistent  
8 between the records, the medical records, and the  
9 history that he gave me.

10 Q Okay. What did he tell you with respect  
11 to the history he gave you about how the injury had  
12 occurred?

13 A He said he was at physical therapy  
14 getting ready to pass his CFD fitness test and he  
15 was doing overhead lifting with eight pounds of  
16 weight and that he had a sudden onset of pain in  
17 his left shoulder. He said that he advised the  
18 therapist and the therapist documented this in his  
19 note and also gave him a separate note that  
20 documented that he had injured himself at physical  
21 therapy.

22 Q Then did you review the records from the  
23 physical therapy?

24 A Yes.

1           Q     What did they say, if anything, about him  
2     injuring himself at physical therapy?

3           A     Well, the first note is from the April  
4     17th of '20. I said it was a telehealth visit but  
5     that was in error. He was seen in-person on that  
6     date. And that note stated that quote his left  
7     shoulder is sore from workouts at home end quote  
8     and so that is what the note from that date says.  
9     The next physical therapy is 4-21.

10          Q     Hold on, excuse me, doctor, before you go  
11     to that one. Let's stay with this exhibit. It is  
12     9V, for the record, that is the 4-17-20 physical  
13     therapy session. And as you indicated --

14          A     Let me get there.

15          Q     Let me know when you are there.

16          A     It is 9B like in Boy?

17          Q     V as in Vince just to make it easy.

18          A     I only go through G.

19          Q     You have the latest group exhibit I hope?

20          A     I thought I did. This is what came with  
21     the packet I just got.

22                   MEMBER TEBBENS: It is the second to the  
23     last page. If you turn to the packet, it is the  
24     second to the last page.

1 DOCTOR SAMO: This is Exhibit 9?

2 MR. PINELLI: Group Board Exhibit 9. It  
3 is A through --

4 DOCTOR SAMO: Mine goes A through G.

5 MR. PINELLI: Okay. I am not sure why  
6 you don't have it. Do you have with you, doctor,  
7 the notes, physical therapy notes, that you  
8 reviewed?

9 DOCTOR SAMO: I need a little time to dig  
10 them out of my other computer, but, yes, I have  
11 them.

12 MR. PINELLI: Lori, is there any way he  
13 can get access to the Group Board Exhibit?

14 DOCTOR SAMO: Can you email the new one?  
15 This is what I just got from the Drop Box, Lori.

16 BY MR. PINELLI:

17 Q While we are waiting for that, hopefully  
18 it will arrive, we can continue on and I will come  
19 back to that.

20 A Okay.

21 Q So the next visit was on April 21st of  
22 2020, correct?

23 A Correct.

24 Q That is about four days later. The

1 records from that session indicate that was a  
2 telehealth session?

3 A Correct.

4 Q Okay. And in that session, did he  
5 indicate to the physical therapist on telehealth  
6 that he did not know exactly what he did to hurt  
7 the left shoulder?

8 A Yes. The note from 4-21 stated that he  
9 had just rested the shoulder over the weekend and  
10 that, I quote, he does not know exactly what he did  
11 to hurt the left shoulder, he just has been doing  
12 the exercises and trying quote loosen up and  
13 unquote the left one end quote.

14 Q And the rest of the notes from that  
15 session indicate he engaged in a full session for  
16 55 minutes and there were documented exercises that  
17 he performed in that session, correct?

18 A I believe so, yes.

19 Q Returning to the 4-17 session, the  
20 in-person, was there any mention in the notes that  
21 he had injured himself there, that the therapist  
22 had given him ice and that they had stopped the  
23 workout?

24 A No.

1                   Okay, thank you, Lori.

2                   Q     9V second to the bottom.

3                   A     Right. I am with you now.

4                   Q     In 9V, again the 4-17 session, that he  
5                   indicated he had hurt the shoulder in, is there any  
6                   mention at all that he had injured himself at the  
7                   session, that they had applied ice to his shoulder  
8                   and that they had stopped the workout at that  
9                   point?

10                  A     No.

11                  Q     In fact, there is an indication that he  
12                  performed the full session of workout, correct?

13                  A     Yes.

14                  Q     And then going again to the 4-21 now,  
15                  which is the next exhibit up, I guess that would be  
16                  9U. Tell me when you are there.

17                  A     Okay.

18                  Q     That is the note that indicates what he  
19                  told the therapist about not knowing how he hurt  
20                  the shoulder, correct?

21                  A     Correct.

22                  Q     And, again, he performed the full set of  
23                  documented exercises for 55 minutes in that  
24                  session; is that correct?

1           A     Correct.

2           Q     Doctor, did you see anything else in the  
3 rest of the physical therapy notes from that point  
4 forward to the end where he indicated how he had  
5 hurt the shoulder?

6           A     There is a note from CFD on 6-16-20 where  
7 he stated he injured his shoulder at the Sports and  
8 Ortho when he was lifting from waist to shoulder  
9 and shoulder to earlobe.

10          Q     I am just talking about the physical  
11 therapy notes.

12          A     No. I mean, there is the note from the  
13 physical therapist, the email from the physical  
14 therapist.

15          Q     That is the last exhibit, correct, of  
16 that group I believe?

17          A     Let me see, yes.

18          Q     Just read into the record what it says.

19          A     It says "eval start date 1-8-2020. Date  
20 of left shoulder injury report 4-17 and 4-21. He  
21 said it was sore 4-17 from the workouts and 4-21 is  
22 when he said it was painful and you were trying to  
23 loosen it up". Signed Joshua Malarski, Physical  
24 Therapist.

1           Q     Does that indicate to you that the  
2     physical therapist was basically summarizing what  
3     is in the notes?

4           A     Yes.

5           MR. PINELLI:    Doctor, that is all the  
6     questions I have at this time.    Thank you.

7           CHAIRMAN FORTUNA:    Are there any  
8     questions for the doctor?

9           MEMBER MCPHILLIPS:    None.

10          MR. PINELLI:    Mr. President, I think we  
11     should give the applicant the opportunity if he has  
12     any questions for the doctor as long as the doctor  
13     is here.    Mr. Rivera?

14          MR. RIVERA:    No, I don't have any  
15     questions.

16          MR. PINELLI:    Okay.    Thank you, sir.

17          DOCTOR SAMO:    I just want to apologize to  
18     Lori.    I did find she had sent it to me already.  
19     My mistake in not finding it.    Sorry.

20          CHAIRMAN FORTUNA:    Okay, thank you.

21          MR. PINELLI:    With that, we would rest.  
22     I have no further evidence to present.

23          MEMBER MURPHY:    Mr. President, I'd like  
24     to make a motion to grant the benefit requested by



1 Aparicio Rivera.

2 CHAIRMAN FORTUNA: There is a motion to  
3 grant.

4 MEMBER MCPHILLIPS: Second.

5 CHAIRMAN FORTUNA: Seconded by Trustee  
6 McPhillips.

7 MEMBER CONYEARS-ERVIN: We are not going  
8 into executive session? I apologize.

9 MEMBER SONI: I was thinking we were  
10 going into executive session as well.

11 MS. BURNS: You always have a right to go  
12 into closed session. It would be pursuant to  
13 Section 2(c)4 of the Open Meetings Act. We would  
14 need a motion and a second.

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

17 MEMBER MCPHILLIPS: I will second it.

18 CHAIRMAN FORTUNA: Motion for executive  
19 session by Trustee Murphy. Seconded by Trustee  
20 McPhillips.

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 (Whereupon, the Board went into  
11 executive session.)

12 MS. BURNS: Vince, just so you know,  
13 there are six trustees present. Trustee Valencia  
14 had to drop-off for a while.

15 CHAIRMAN FORTUNA: Once again, the motion  
16 was made by Trustee Murphy. It was seconded by  
17 Trustee McPhillips.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Holt.

21 MEMBER NANCE-HOLT: Abstain.

22 CHAIRMAN FORTUNA: Trustee  
23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: No.

1           CHAIRMAN FORTUNA:  Trustee Soni.

2           MEMBER SONI:  No.

3           CHAIRMAN FORTUNA:  Trustee McPhillips.

4           MEMBER MCPHILLIPS:  Yes.

5           CHAIRMAN FORTUNA:  Trustee Tebbens.

6           MEMBER TEBBENS:  Yes.

7           CHAIRMAN FORTUNA:  And I am a yes.

8           Motion does not carry.

9           MEMBER MURPHY:  Mr. President, I would

10          like to make a motion to deny the benefits

11          requested.

12          MEMBER MCPHILLIPS:  Second.

13          CHAIRMAN FORTUNA:  There's a motion to

14          deny by Trustee Murphy.  Seconded by Trustee

15          McPhillips.

16          Trustee Murphy.

17          MEMBER MURPHY:  No.

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:  No.

1           CHAIRMAN FORTUNA:  Trustee Tebbens.

2           MEMBER TEBBENS:  No.

3           CHAIRMAN FORTUNA:  And I am a no.

4           MEMBER CONYEARS-ERVIN:  We probably need  
5 clarification on what just happened.  I don't  
6 understand that second vote.  If there is a motion  
7 to grant and it fails, then there is no -- I don't  
8 understand what the second one is for.

9           MR. PINELLI:  In order for there to be a  
10 final administrative decision that the applicant  
11 can appeal to court, if he so chooses, the case law  
12 has indicated the Board must take a second vote, if  
13 the first one fails, and that is a motion to deny  
14 because the court feels the Robert's Rules of Order  
15 requires an affirmative motion.

16           So, hence, a motion to deny is made and  
17 the trustees just vote the opposite of what they  
18 did on the grant.

19           So it is a procedural requirement under  
20 the law in order for there to be a final  
21 administrative decision, that is why we have to do  
22 it.  The courts have told us to do it.

23           Moreover, I have to prepare a written  
24 finding, which I will do subsequent to today, and

1 distribute that. Once the Trustees sign that final  
2 decision, then that will be distributed and the  
3 applicant will have 35 days after service of that  
4 to appeal the case, if he so chooses.

5 MEMBER CONYEARS-ERVIN: Thanks for the  
6 explanation.

7 MR. PINELLI: You're welcome.

8 MS. BURNS: This is one that will have to  
9 be taken under advisement consistent with board  
10 practice. We will be back next meeting with  
11 findings of fact and conclusions of law that all  
12 the Trustees can either vote in the affirmative or  
13 against.

14 CHAIRMAN FORTUNA: Is Mr. Rivera on?

15 MR. RIVERA: Yes, I am.

16 CHAIRMAN FORTUNA: Sir, the Board has  
17 decided to take this matter under advisement. The  
18 Board will adopt findings of fact and issues its  
19 decision on your case at the next board meeting.

20 If you choose not to be present at the  
21 next board meeting, copies of the Findings of Fact  
22 and the Board's decision will be mailed to you.

23 Thank you, sir.

24 MR. RIVERA: Okay.

1                   MEMBER MURPHY: 4C, the Handicapped Child  
2                   Annuity applications. There are two child annuity  
3                   applications. One for Member 06923 and one for  
4                   Member 13464.

5                   Vince, could you present these, please?

6                   MR. PINELLI: Thank you. So let's start  
7                   with the application for Maureen Fleischhacker, as  
8                   a recipient of a Special Needs Trust.

9                   This is a matter involving Ms.  
10                  Fleischhacker. I have, first of all, for the  
11                  board's review and distribution, Board Exhibits 1  
12                  through 8, which have previously been distributed.

13                  Mr. President, first of all, I move for  
14                  admission of Board Exhibits 1 through 8 at this  
15                  time.

16                  CHAIRMAN FORTUNA: Those are admitted  
17                  without objection.

18                  (Board Exhibits 1 through 8 were  
19                  admitted into evidence.)

20                  MR. PINELLI: Thank you.

21                  So the records are well-documented that  
22                  Ms. Fleischhacker is 39 years old. She lives with  
23                  or has lived with her parents and her brother's  
24                  family her whole life. She was born with Downes

1       Syndrome. She has severe intellectual  
2       disabilities. She has been, as I say, with her  
3       family her whole life.

4                She has been receiving some Social  
5       Security benefits that are reflected in the  
6       affidavit, which was signed by Nora Fleischhacker,  
7       who is the trustee of the Special Needs Trust that  
8       was setup for her.

9                She is going to be using these proceeds  
10       strictly to pay for her needs and support of Ms.  
11       Fleischhacker.

12               Consistent with the statute, Section  
13       6-148, if a child is so physically or mentally  
14       handicapped as to be unable to support themselves,  
15       then the Board can grant a child's annuity even  
16       though they are over the age of 18 which she is.

17               We have certified records of the death of  
18       Firefighter Gilbert Fleischhacker in June of 2018  
19       as well as records indicating the trust.

20               So I think there is sufficient evidence  
21       in here for the Board to feel comfortable granting  
22       this benefit to be paid to the trust and to be  
23       managed by the trustee for the benefit of Ms.  
24       Fleischhacker.

1                   MEMBER MURPHY: Based on the evidence  
2 that Vince just presented, I would like to make a  
3 motion to grant Member 06902 a Handicapped Child's  
4 Annuity beginning on June 24, 2018.

5                   MEMBER TEBBENS: Second.

6                   CHAIRMAN FORTUNA: Motion to grant by  
7 Trustee Murphy. Seconded by Trustee Tebbens.  
8 Trustee Murphy.

9                   MEMBER MURPHY: Yes.

10                  CHAIRMAN FORTUNA: Trustee Holt.

11                  MEMBER NANCE-HOLT: Yes.

12                  CHAIRMAN FORTUNA: Trustee  
13 Conyears-Ervin.

14                  MEMBER CONYEARS-ERVIN: Yes.

15                  CHAIRMAN FORTUNA: Trustee Soni.

16                  MEMBER SONI: Yes.

17                  CHAIRMAN FORTUNA: Trustee McPhillips.

18                  MEMBER MCPHILLIPS: Yes.

19                  CHAIRMAN FORTUNA: Trustee Tebbens.

20                  MEMBER TEBBENS: Yes.

21                  CHAIRMAN FORTUNA: And I am a yes.

22                  Motion carries.

23                  MEMBER MURPHY: Mr. President, counsel  
24 has previously sent around the proposed findings of



1 fact and conclusions of law in this matter.

2 Having had a chance to review those, I'd  
3 like to make a motion to adopt the findings of fact  
4 and conclusions of law in this matter.

5 MEMBER SONI: Second.

6 CHAIRMAN FORTUNA: Motion by Trustee  
7 Murphy. Seconded by Trustee Soni.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MR. PINELLI: At this time, trustees, I  
24 have before you the matter of the application for a

1 Handicapped Child Annuity benefits being made for  
2 Ryan Reyes by and on his behalf by Idalia  
3 Hernandez, his legal guardian.

4 I would move for admission of Board  
5 Exhibits 1 through 13, Mr. Chairman, without any  
6 objection, of course.

7 CHAIRMAN FORTUNA: Exhibits are admitted  
8 without objection.

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

11 MR. PINELLI: With respect to those  
12 exhibits, they document that Mr. Reyes is  
13 handicapped. He's had severe disabilities. He was  
14 born with spina bifida. He has had severe physical  
15 and mental disabilities his whole life. He has  
16 lived with his family.

17 There is documentation that the parentage  
18 is documented for the deceased firefighter who was  
19 Raul Reyes who died. We also have a certified  
20 record of the establishment of the guardianship for  
21 Mr. Reyes on behalf of his mother.

22 She has also provided us with an  
23 affidavit indicating that the benefits would be  
24 used solely and exclusively for his benefit and

1 that she understands the responsibility to make  
2 sure that if there is any change in his situation  
3 or if he were to pass away that she has to notify  
4 the Fund immediately and the benefits would stop.

5 Mr. Reyes' situation is a little more  
6 involved because over time he was able to engage in  
7 some manner of work over the years. So the Fund  
8 did send him out for an independent medical  
9 evaluation, which was done by Dr. Barras. It is a  
10 very, very thorough examination, which is attached  
11 to the Board Exhibits.

12 At the conclusion of the examination, he  
13 basically agrees that it would be difficult for Mr.  
14 Reyes to be independent, that he still needs the  
15 support that he is getting from his family and  
16 support systems, and confirms all of the diagnoses  
17 that are in the medical records.

18 Firefighter Reyes passed away on January  
19 16th of 2020, according to the records.

20 Again, unless there is any questions from  
21 the Trustees, I believe that we have sufficient  
22 documented records of the guardianship, of the  
23 parentage and of the condition of Mr. Reyes that  
24 would allow you to grant him the Handicapped Child

1 Annuity under Section 6-148 due to his condition of  
2 physical and mental handicap such that he's unable  
3 to support himself independently.

4 CHAIRMAN FORTUNA: Trustees, any  
5 questions?

6 MEMBER MCPHILLIPS: None.

7 MEMBER MURPHY: Based on the evidence  
8 presented by counsel, I would like to make a motion  
9 to grant Member 13464 a Handicapped Child's Annuity  
10 beginning January 17, 2020.

11 MEMBER CONYEARS-ERVIN: Second.

12 CHAIRMAN FORTUNA: There is a motion to  
13 grant by Trustee Murphy. Seconded by Trustee  
14 Conyears-Ervin.

15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Holt.

18 MEMBER NANCE-HOLT: Yes.

19 CHAIRMAN FORTUNA: Trustee

20 Conyears-Ervin.

21 MEMBER CONYEARS-ERVIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Soni.

23 MEMBER SONI: Yes.

24 CHAIRMAN FORTUNA: Trustee McPhillips.

1 MEMBER MCPHILLIPS: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 MEMBER MURPHY: Mr. President, the  
7 findings of fact have been sent around by counsel.  
8 Having had a chance to review those, I'd like to  
9 make a motion to adopt the findings of fact and the  
10 conclusion of law in this matter.

11 MEMBER SONI: Second.

12 CHAIRMAN FORTUNA: There's a motion to  
13 adopt the findings of fact by Trustee Murphy.

14 Seconded by Trustee Soni.

15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Holt.

18 MEMBER NANCE-HOLT: Yes.

19 CHAIRMAN FORTUNA: Trustee

20 Conyears-Ervin.

21 MEMBER CONYEARS-ERVIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Soni.

23 MEMBER SONI: Yes.

24 CHAIRMAN FORTUNA: Trustee McPhillips.

1 MEMBER MCPHILLIPS: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 MS. BURNS: While we are waiting for  
7 Firefighter Furlong, maybe we can move on to the  
8 next item on the agenda.

9 MEMBER MURPHY: I'd like to proceed to  
10 Item 5 on the agenda, Approval of Board Physician  
11 Reviews of Disability Recipients. I'd like to make  
12 a motion to approve the Board Physician's  
13 recommendations for reviews.

14 MEMBER MCPHILLIPS: Second.

15 CHAIRMAN FORTUNA: There's a motion by  
16 Trustee Murphy. Seconded by Trustee McPhillips.  
17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Holt.

20 MEMBER NANCE-HOLT: Yes.

21 CHAIRMAN FORTUNA: Trustee  
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 MEMBER MURPHY: There is another issue  
9 under Approval of Board Physician Reviews is  
10 consideration and possible action regarding outside  
11 medical evaluations of disability recipients.

12 Sarah, would you please present this  
13 issue?

14 MS. BOECKMAN: Thank you, Secretary  
15 Murphy.

16 Included in the board materials is a case  
17 management review involving two fund participants,  
18 Member 16341 and Member 17804.

19 I do believe Dr. Peters is on the phone,  
20 if you have any specific questions for him.

21 What is occurring with these two members  
22 is that both the Case Manager and Dr. Peters are  
23 recommending that these two participants have FCEs  
24 to determine their eligibility for continued

1       disability status.

2                   CFD will not pay for these FCEs because  
3       the members are not requesting to go back to work  
4       at this time.  So consistent with the Fund's  
5       practice this is something that we paid for in the  
6       past when the Case Manager and board physician  
7       recommend that it is in the best interest to  
8       determine the continued disability for these  
9       members.

10                   I will note that the FCE is estimated to  
11       cost about \$600 per participant.  We would ask for  
12       your approval to move forward with the expenditure  
13       for these participants.

14                   Like I said, Dr. Peters is on the phone,  
15       if anyone has any specific questions about the two  
16       participants.

17                   CHAIRMAN FORTUNA:  Trustees, any  
18       questions for Dr. Peters?

19                   MEMBER MCPHILLIPS:  None.

20                   CHAIRMAN FORTUNA:  Okay.

21                   MEMBER MURPHY:  I move to approve the  
22       expenditures of funds to undertake FCEs for the two  
23       members identified on the record.

24                   MEMBER NANCE-HOLT:  Second.



1                   CHAIRMAN FORTUNA:   Okay.  There's a  
2 motion by Trustee Murphy.  Seconded by Trustee  
3 Holt.

4                   Trustee Murphy.

5                   MEMBER MURPHY:   Yes.

6                   CHAIRMAN FORTUNA:   Trustee Holt.

7                   MEMBER NANCE-HOLT:   Yes.

8                   CHAIRMAN FORTUNA:   Trustee  
9 Conyears-Ervin.

10                  MEMBER CONYEARS-ERVIN:   Yes.

11                  CHAIRMAN FORTUNA:   Trustee Soni.

12                  MEMBER SONI:    Yes.

13                  CHAIRMAN FORTUNA:   Trustee McPhillips.

14                  MEMBER MCPHILLIPS:   Yes.

15                  CHAIRMAN FORTUNA:   Trustee Tebbens.

16                  MEMBER TEBBENS:   Yes.

17                  CHAIRMAN FORTUNA:   And I am a yes.

18                  Motion carries.

19                  MS. BURNS:   Trustee Murphy, could we,  
20 please, to accommodate Brandon Phelps, our  
21 legislative liaison, skip to Legislation and then  
22 go back to Investments?

23                  MEMBER MURPHY:   Item 9 on the agenda the  
24 Legislative Update, Sarah.

1 MS. BOECKMAN: Thank you, Secretary  
2 Murphy. Like Mary Pat mentioned, your legislative  
3 liaison is on the phone, Brandon Phelps, and he is  
4 going to talk through a little bit about what is  
5 going on in Springfield the last couple of weeks.

6 His legislative report is included in  
7 your materials. He is going to touch on a few  
8 bills that are specific to our fund and then feel  
9 free to ask him any questions about any of the  
10 remaining bills.

11 Brandon, the floor is yours.

12 MR. PHELPS: Thanks, Sarah. Thanks to  
13 Mary Pat and thank you to the Board. It is a honor  
14 to represent you.

15 I am actually getting ready to go to the  
16 Capital right now. The Senate was in yesterday.  
17 The Senate is in today. The House is in tomorrow.

18 There is a lot of virtual committees that  
19 are going on right now and it is very difficult to  
20 get to legislators because they have been staying  
21 at home doing virtual committees.

22 Virtual committees are running better  
23 then we thought. There are still some technical  
24 difficulties as we know.

1           Real quick on what is going on, there is  
2 still some budget talks going on. Just to let you  
3 all know, we can't use any of the federal money for  
4 pensions. I think Mary Pat will probably tell you  
5 that. It's going to help the budget in Illinois  
6 with the money coming from the federal government.

7           The Speaker Welch is transitioning well.  
8 He is doing a great job as the new speaker. One  
9 thing he is doing, he is allowing a lot of bills  
10 out of committee so if the members go to him and  
11 say I want my bills out, he is allowing pretty much  
12 all the bills and there are thousands of bills as  
13 you know.

14           President Harmon is being more measured.  
15 Still doing a great job. He got re-elected as the  
16 president.

17           But, specifically, I was going to talk to  
18 you real quick, before I go to the Capital, about  
19 Senate Bill 307. Leader Munoz passed that out of  
20 Committee the other day seven to one.

21           There was a few difficulties with the  
22 City. They asked what the price tag would be. I  
23 believe the City was not sure what the impact would  
24 be on this bill, but they gave a number of 4 to 40

1 million. A lot of people didn't believe that so I  
2 guess it has been hard to determine that as well.

3 Senate Bill 603, Leader Cunningham, that  
4 passed out eight to zero. Talking to Sarah, I  
5 think this fixes the issue with the paramedics. I  
6 think it actually fixes an administrative problem  
7 you all had with that as well.

8 I have a call into Representative  
9 LaPointe about the PTSD issue on House Bill 3837.  
10 I will let Sarah and Mary Pat know when I talk to  
11 Lindsey LaPointe.

12 With that, a lot of stuff has got to  
13 happen here soon. They will have Easter break  
14 after next week. The Committee deadline is next  
15 week so if any bills are not called next week, as  
16 you know nothing ever dies in Springfield, Rob will  
17 tell you that, nothing is ever dead, but they can  
18 bring it back. Then they go to Easter break for  
19 the Passover and Easter holiday and then remap is  
20 going to come up and everybody is going to be very  
21 interested on how the remap is going to be done.

22 With that, Sarah, Mary Pat, I will turn  
23 it over to the Board.

24 MS. BURNS: Do any trustees have any

1 questions for Brandon?

2 MEMBER MCPHILLIPS: Brandon, this is Tim  
3 McPhillips. Can you reiterate which bill it was  
4 that there was the discrepancy in the cost? I  
5 think you stated it was between 4 and 40 million  
6 dollars?

7 MR. PHELPS: Yes, Tim, it was Senate Bill  
8 307 Leader Munoz. I believe that was an issue that  
9 Local 2 brought to the leader to try to rectify a  
10 member that had cancer to more or less un-retire.

11 But, Board Member McPhillips, I also  
12 believe, and I think Sarah will tell you this, that  
13 I believe the City has to sign off on that as well  
14 so it is not automatic. But, yeah, they just  
15 really couldn't tell the Committee what the price  
16 tag would be.

17 MEMBER MCPHILLIPS: Okay.

18 MS. BOECKMAN: I would just note the  
19 majority of trustees know that we did give Brandon  
20 some administrative concerns we had with that bill.

21 Again, we didn't take a position opposing  
22 or being a proponent for the bill, which is  
23 consistent with our practice. We administer, we  
24 don't advocate, for bills involving benefits.

1           And with respect to this particular bill,  
2 we did have a few administrative concerns or  
3 questions that Brandon took to the sponsor.

4           And to his point, the City did formally  
5 oppose it and raise some concerns about the  
6 potential cost, although it was a wide range of  
7 what they were estimating.

8           MEMBER MCPHILLIPS: Okay, thank you.

9           MS. BURNS: Thank you, Brandon. We  
10 really appreciate everything you are doing for the  
11 fund and we are so happy to have you on the team so  
12 thanks.

13           MR. PHELPS: We are very honored, thank  
14 you. President Fortuna, good to see you again,  
15 too.

16           Mary Pat and Sarah, I will get to the  
17 bottom of Lindsey LaPointe's 3837. We have a lot  
18 of questions, too, with the PTSD. You know, is it  
19 a given. I know before applicants had to prove it  
20 so she will let us know and I will let you know.

21           MS. BURNS: Brandon, we know things are  
22 happening very quickly down there. We encourage  
23 you to feel free to reach out at any time, to reach  
24 out to the trustees, to keep them advised.

1       Whatever we can do to help, we really appreciate  
2       it.

3                   MR. PHELPS:   Mary Pat, you have always  
4       been great.  I have to tell you Sarah has been  
5       wonderful.  We have kind of been keeping in  
6       contact.

7                   Sarah, thank you so much for letting me  
8       bother you.

9                   MS. BURNS:   She is the greatest.  Thank  
10      you.  Have a great weekend.

11                   Marc has arranged for a third-party call  
12      with Firefighter Furlong.  Marc, if you are ready  
13      to proceed.

14                   MR. PINELLI:   Mr. President, may I  
15      proceed?

16                   CHAIRMAN FORTUNA:  Yes, Vince, please.

17                   MR. PINELLI:   Thank you.

18                   Good morning, Mr. Furlong.

19                   MR. FURLONG:   Good morning.

20                   MR. PINELLI:   This is a hearing on your  
21      application for an Occupational Disease Disability  
22      benefit.

23                   I'd like to start with some preliminary  
24      matters.  There are currently seven trustees

1 present on the call to hear the evidence on your  
2 application. If you don't know you should know you  
3 need the yes vote of at least five of those seven  
4 trustees in order to receive this benefit. Do you  
5 understand that?

6 MR. FURLONG: Yes.

7 MR. PINELLI: In addition, I see you do  
8 not have an attorney representing you. Is it your  
9 desire to proceed without an attorney?

10 MR. FURLONG: 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 the benefit that the applicant is seeking.  
15 Do you understand it is your burden of proof?

16 MR. FURLONG: 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 consultant to testify. If there is  
22 anything I don't ask him that you think is  
23 important for the Board to know, please let me know  
24 and you will be given that opportunity. Do you



1 understand the procedures?

2 MR. FURLONG: Yes, sir.

3 MR. PINELLI: Then we are ready to  
4 proceed. Could I have Dr. Samo and Mr. Furlong  
5 please both raise your right hands.

6 (Witnesses sworn.)

7 MARTIN FURLONG

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

10 EXAMINATION

11 BY MR. PINELLI:

12 Q Could you please state your name and  
13 spell your last name for the record?

14 A Martin Furlong. Last name is  
15 F-u-r-l-o-n-g.

16 Q Sir, what is your rank with the Fire  
17 Department?

18 A Firefighter.

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

21 A Engine 112.

22 Q Now did you receive a copy of the Board  
23 Exhibits prior to today's date?

24 A Yes, I did.

1 Q Did you have a chance to review them?

2 A Yes, I did.

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

6 A No, I don't.

7 MR. PINELLI: Mr. President, I move for  
8 admission of Board Exhibits 1 through 11, without  
9 objection from the applicant.

10 CHAIRMAN FORTUNA: Exhibits are admitted  
11 without objection.

12 MR. PINELLI: Thank you.

13 (Board Exhibits 1 through 11 were  
14 admitted into evidence.)

15 BY MR. PINELLI:

16 Q Now, sir, you are applying for an  
17 Occupational Disease Disability benefit based upon  
18 a medical condition that you have. Just in your  
19 own words, what is that medical condition?

20 A Congestive heart failure.

21 Q You entered service with the Fire  
22 Department in 1999; is that correct?

23 A Yes. February 16, 1999.

24 Q Did you develop this condition while you

1 have been in service with the Fire Department?

2 A Yes, I did.

3 Q In other words, you didn't have it when  
4 you came on in 1999; is that correct?

5 A No, I did not.

6 Q Now, can you briefly describe for the  
7 board members the assignments you have had from  
8 when you came on in 1999 until the present?

9 A I started off as a candidate at Tower  
10 Ladder 10 and then I went to Truck -- I transferred  
11 to -- I think two years later I transferred to  
12 Truck 38. I was there for about 11 years and then  
13 I transferred to Truck 29. I was there for about  
14 four years and then the last four years I want to  
15 say I was at Engine 112.

16 Q Okay. Now, sir, in your current  
17 condition, do you have limitations that are  
18 preventing you from performing your duties?

19 A Yeah. Shortness of breath and severe  
20 fatigue. When I bend over -- short sudden  
21 movements like bending over I get short of breath.  
22 The fatigue is -- it's been getting worse and  
23 worse. Some days I sleep 16 hours a day. Other  
24 days are better. Like today I feel great. Other

1 times I wakeup in the morning and I take the kids  
2 to school and I can't wait -- to be honest with  
3 you, I can't wait to go back to bed. Today,  
4 honestly, I feel fantastic.

5 After I was diagnosed, I felt -- when  
6 they started giving me the drugs, I felt really  
7 good. They had limitations on me for a while. I  
8 could only do a certain amount of exercises and  
9 then they slowly let my exercise. I was feeling  
10 well. And I don't know, maybe five, six months  
11 ago, it just started deteriorating. But like I  
12 said, I have good days and bad days. It is not all  
13 gloom and doom.

14 Q Since you went on layup, have you engaged  
15 in any activities by which you earned income?

16 A I'm sorry, could you repeat that, I  
17 didn't hear that.

18 Q Sure. Since you went on layup this most  
19 recent time, have you engaged in any activity by  
20 which you earn income or money?

21 A No.

22 Q Have you engaged in any sporting  
23 activities?

24 A Any what, I'm sorry?

1 Q Sporting activities.

2 A No. Other than working out, no.

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

5 CHAIRMAN FORTUNA: Trustees, any  
6 questions?

7 Okay, Vince.

8 MR. PINELLI: At this time I call Dr.  
9 Samo to testify.

10 (Witness previously sworn.)

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 Are 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, examine or interview applicants and report  
4 to the Board?

5           A     Yes.

6           Q     Did you follow that procedure with  
7 respect to Mr. Furlong?

8           A     Yes.

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

11          A     Yes.

12          Q     With respect to Mr. Furlong, did you  
13 interview him?

14          A     Yes, I did.

15          Q     And was the information he provided you  
16 consistent with the medical records you had  
17 reviewed?

18          A     Yes.

19          Q     Now, doctor, can you just describe for us  
20 what his diagnosis or condition is?

21          A     He's diagnosed with a nonischemic  
22 cardiomyopathy, which means his heart muscle is not  
23 functioning properly, but it is not due to vessel  
24 disease. His coronary arteries are fine but there

1 is some other cause which is unclear. Nobody was  
2 able to identify an exact cause of what is causing  
3 his cardiomyopathy and his heart failure based on  
4 that.

5 Q Is cardiomyopathy a heart disease?

6 A Yes.

7 Q Based upon his current medical  
8 conditions, do you believe he would be fit to  
9 perform duties as a firefighter?

10 A No.

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

13 CHAIRMAN FORTUNA: Trustees, any  
14 questions for Dr. Samo?

15 MEMBER MCPHILLIPS: No questions.

16 MEMBER MURPHY: Mr. President, I'd like  
17 to make a motion to grant the Occupational Disease  
18 Disability benefits to Martin Furlong.

19 MEMBER NANCE-HOLT: Second.

20 CHAIRMAN FORTUNA: There is a motion to  
21 grant by Trustee Murphy. Seconded by Trustee Holt.  
22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Holt.

1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, counsel

16 has previously sent around proposed findings of

17 fact and conclusions of law in this matter. Having

18 had a chance to review those, I would like to make

19 a motion to adopt those findings of fact and

20 conclusions of law.

21 MEMBER TEBBENS: Second.

22 CHAIRMAN FORTUNA: Motion by Trustee

23 Murphy. Seconded by Trustee Tebbens.

24 Trustee Murphy.



1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee  
5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MR. PINELLI: I did not hear a motion for  
18 reexam consistent with the Fund's policy.

19 MEMBER MURPHY: I'd like to make a motion  
20 for reexam consistent with the Fund's policy.

21 MEMBER TEBBENS: Second.

22 CHAIRMAN FORTUNA: Motion for reexam by  
23 Trustee Murphy. Seconded by Trustee Tebbens.  
24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Coneyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 Mr. Furlong, based on the findings of  
18 fact made by the Trustees, the Trustees have voted  
19 to grant the benefit that you have requested. You  
20 will be notified by mail of the findings of fact  
21 and the Board's decision. Thank you  
22 and good luck to you.

23 MR. FURLONG: Thank you, guys. I just  
24 wanted to say, it is a tough day, but I am

1 extremely grateful to the fire department and the  
2 benefits that are going to help my family.

3 I can't thank you guys enough and like I  
4 said it is not the way I wanted to go but I just  
5 want to thank the fire department and everybody I  
6 worked with and just I am extremely grateful for  
7 the benefits. Thank you and have a good day.

8 MEMBER CONYEARS-ERVIN: Good bless you,  
9 Mr. Furlong.

10 MR. FURLONG: Good bless you guys.

11 I want to say one more thing. Throughout  
12 this process whenever I talked to anybody at the  
13 Pension Board, I talked to Shontrese Jackson, she  
14 was out of this world, phenomenal, Tracey Bilut and  
15 Doctor Samo. Everybody was professional and like I  
16 said I am truly grateful. Thank you and have a  
17 good day.

18 MEMBER MURPHY: Item 6, the Investment  
19 Report. I'd like to turn this over to Lorna who  
20 will walk us through the investment agenda.

21 MS. SCOTT: I will ask Marc to share the  
22 screen, please.

23 I have four items I want to cover. It is  
24 the update on the investment consultant search,

1 performance, MWDBE brokerage utilization and our  
2 goals for 2021 and also an IPS review and then  
3 Jackie will provide an update on tax receipts.

4 Just first we will start with the  
5 consultant RFP update. Just a reminder the Board  
6 did approve the issuance of an investment  
7 consultant RFP in the January board meeting so we  
8 are in a quiet period for this search.

9 We did put an ad in P&I. The RFP  
10 responses were due by March 1st and we had six  
11 firms respond. They are Callan, Investment  
12 Performance Services, Marquette, Meketa, MEPC, and  
13 Veris so we had a pretty good turnout.

14 I am compiling a five-by-five comparison  
15 table that will narrow those respondents down to  
16 finalists. We will have that table ready probably  
17 for the April board meeting and then we will plan  
18 on having finalist presentations in May. They were  
19 Callan, Investment Performance Services, Marquette,  
20 Meketa, MEPC and Veris.

21 Looking at performance, this slide shows  
22 the state of the market thus far as of the end of  
23 February 2021.

24 It's performance for a variety of asset

1 classes where we are invested. You can see a  
2 strong positive performance from U.S. small cap  
3 which is up 11.6 percent year-to-date and from  
4 commodities which are up 9.3 percent.

5 It is a reminder that the fund does have  
6 a tilt towards small cap stocks so this strong  
7 outperformance in small cap is going to be positive  
8 for our relative performance.

9 Underperformance items to note on this  
10 chart, so the U.S. growth stocks which drove the  
11 performance in 2020 are actually down year-to-date.  
12 We're getting a little bit of a reversion away from  
13 what worked last year to repositioning for growth  
14 and recovery from the pandemic this year.

15 The other thing to note is U.S. fixed  
16 income is lagging, that is down 2.2 percent, and  
17 that is primarily due to concerns about inflation.

18 That is kind of the state of the market,  
19 so the next slide as we look at fund performance,  
20 year-to-date the Fund is up 2.3 percent  
21 outperforming the benchmark by 0.9 percent. It is  
22 a good solid start for the year and I know Brady  
23 wants to comment on performance as well. I will  
24 turn it over to him for his comments.

1 MR. O'CONNELL: Thank you, Lorna.

2 This week I think is generally viewed as  
3 marking the one year anniversary of the pandemic.  
4 If we go back in time one year, the investment  
5 picture was fairly grim so we not only had pretty  
6 bad performance from equity markets in the first  
7 quarter of 2020, but the relative results of this  
8 plan struggled because last year at this time large  
9 cap outperformed small and growth outperformed  
10 value.

11 Our portfolio has a tilt towards small  
12 cap so we saw some relative underperformance in the  
13 first and second quarters of last year.

14 You may recall, we discussed that in a  
15 fairly decent amount of detail. The trustees to  
16 their credit kind of understood this position and  
17 acknowledged that this was likely a short-term  
18 phenomenon and when small cap bounces back the  
19 relative performance of the fund will also improve.

20 So here we were, in March of 2021, as  
21 Lorna just said small cap has indeed improved  
22 relative to large cap. We have also seen growth  
23 stocks take a hit relative to value and the  
24 portfolio is performing as we would expect it to in

1 that environment.

2 So we have seen a rebound in relative  
3 performance. You can see for the past three months  
4 the fund is up 7.3 percent and our benchmark is up  
5 5.2.

6 So that difference is due to active  
7 managers that we have adding value. And in April  
8 and May, when we talk about your first quarter  
9 results, we'll be able to tell you not only how you  
10 did relative to your benchmark, which based on  
11 these returns is good through the end of February,  
12 but also how you stack up relative to your peers.

13 So I really just wanted to take this  
14 opportunity to emphasize that the patience that the  
15 trustees showed at this time last year has paid off  
16 and the position of the portfolio, the overweight  
17 to small and mid-cap, has finally come back into  
18 favor and we're seeing the results on this page  
19 right here.

20 MEMBER CONYEARS-ERVIN: Brady, I was  
21 thinking the same thing when I looked at the one  
22 year, right. I mean, wow, look at the return.  
23 Then I looked at the last three months and I guess  
24 it goes back to the point you made earlier with I

1 don't know how things are going to be in the  
2 upcoming months. If you can kind of give us an  
3 idea of what you all are thinking. I mean,  
4 7 percent, 22 percent, huge difference, right.  
5 Although we are beating the benchmark, I am  
6 concerned even the benchmark is low for a time such  
7 as this. Just wondering what is the thought.

8 MR. O'CONNELL: Great questions. You  
9 know, in another contrast between now and last  
10 year, Madam Treasurer, last year you brought up  
11 concerns about deflation which were very real at  
12 the depths of the pandemic.

13 This year Lorna mentioned how bonds have  
14 declined a little bit. The concern has really  
15 shifted to whether we might see a spike in  
16 inflation and that could have a negative impact on  
17 the fund's bond holdings. We saw a little bit of  
18 that.

19 I think the consensus is still that  
20 inflation will be relatively modest. From a macro  
21 economic perspective, we have a lot of stimulus  
22 coming through. We heard a little bit about that  
23 earlier today.

24 Consensus expectations for growth and GDP



1 and economic growth in general are all very strong  
2 so we have a very modest outlook for fixed income,  
3 but we do expect the riskier part of your portfolio  
4 to continue to do well in an economic environment  
5 where there is kind of recovery and there's a  
6 tailwind due to stimulus and accommodative  
7 policies.

8 So these returns, a 22 percent return in  
9 a given year, are unrealistic going forward but we  
10 do expect returns to be favorable and I think we  
11 will just keep an eye out for fixed income.

12 Later this year, the fund will be  
13 revisiting its long-term asset allocation strategy  
14 and with interest rates being low and likely to  
15 increase I think one of the things the board will  
16 have to look at in detail is how much we have in  
17 fixed income and what sort of return we will expect  
18 from that.

19 A bit of a longwinded answer, Madam  
20 Treasurer.

21 MEMBER CONYEARS-ERVIN: I get it. I just  
22 wanted to make certain that we just note the big  
23 difference there, that is all. I was wondering  
24 your thoughts for the coming months so thank you.

1 MS. SCOTT: Moving to the next slide, we  
2 will step away from performance and take a look at  
3 our MWDBE allocation.

4 As I mentioned before, we are in range on  
5 our total MWDBE allocation. The fund has 21.6  
6 percent allocated to MWDBE firms and slightly  
7 higher this month than it has been in the past.  
8 That is primarily due to Rhumblin taking over  
9 management of the Wells Fargo account at the end of  
10 February.

11 Again, the total allocation looks good.  
12 We are within our goals, but looking at the  
13 emerging allocations in MWDBE firms, we are under  
14 our goals. We have 3 percent allocated under the  
15 goal range of 7 to 10 percent. Remember, that is  
16 primarily due to the termination of the Globeflex  
17 international account.

18 I know at the December meeting Madam  
19 Treasurer had asked for a plan and this is where I  
20 am going to ask Brady to kind of share his outlook  
21 for our emerging allocation.

22 MR. O'CONNELL: Thank you, again, Lorna.

23 So the plan currently that we would like  
24 to suggest the Board consider is waiting until we

1 do that high level review of asset allocation,  
2 determine how much we want to have in the different  
3 asset classes. And then when we do searches,  
4 particularly within domestic equity, really seek to  
5 hire and pursue mandates where we think there are a  
6 lot of potential diverse managers in the  
7 marketplace.

8 Callan's research team and myself have  
9 shared information with Lorna on those investment  
10 mandates that are kind of the most right for  
11 finding emerging and diverse firms. As we move  
12 through the course of the year, we obviously need  
13 to do a search to redeploy the Wells Fargo assets  
14 and perhaps some other searches later this year.

15 We will really try to focus on the  
16 structure of the portfolio and doing those searches  
17 in areas where we think there is a robust number of  
18 diverse firms. And, again, doing the outreach to  
19 those diverse firms every time that we do a search.

20 In the past, the fund has done searches  
21 in private equity, in real estate, and we haven't  
22 had a ton of diverse firms respond to those RFPs.  
23 As we start looking at domestic equity, small cap  
24 domestic equity mandates, we do think we will have

1 a better opportunity to get diverse firms  
2 responding to the RFPs and get them involved again  
3 in the search.

4 We did see some fortunate responses to  
5 the international small cap search and I think if  
6 we do that on the domestic equity side we should  
7 have some success in building out the diverse  
8 manager portfolio further.

9 MS. SCOTT: Okay. So the remaining  
10 reports here are just more granular information on  
11 performance.

12 I would like to move on to the next item  
13 on the agenda, which is our MWDBE brokerage  
14 utilization for 2020.

15 So before we actually look at the  
16 minority brokerage utilization, the first slide  
17 looks at total brokerage and some trading  
18 characteristics of our managers.

19 This table is a reminder that brokerage  
20 is an expense. It is cash being paid to counter  
21 parties that execute trades. As an expense it is  
22 important to monitor how much our managers are  
23 spending and how much our managers are trading.

24 Looking at this table, in 2019 managers

1 spent \$325,000 in trading costs. In 2020 our  
2 managers spent \$443,000, so an increase. Some of  
3 that increase is due to the transitions in the  
4 international portfolio. Again, when we sold  
5 Globeflex and we bought Brown.

6 Just a note that the transitions are  
7 expensive. It's good that we don't actually do  
8 that many of them very often.

9 Looking at the turnover column, turnover  
10 is a calculation of really how much a manager is  
11 trading. Generally this fund is characterized as  
12 pretty low turnover. Most of our managers are  
13 buying and holding positions and not doing a lot of  
14 trading.

15 You can see 2020 was a pretty unusual  
16 year. We actually see more trade happening in 2020  
17 then we have in the past.

18 For instance, taking a look at Kennedy.  
19 In 2019 Kennedy had turnover, that's right there in  
20 the middle of the page, Kennedy had turnover of  
21 73.8 percent and then they jumped to 95 percent in  
22 2020.

23 They will tell you that they did shift  
24 their portfolio early in the year in response to

1 the pandemic and getting out of some hospitality  
2 names and some restaurants. So the increase in  
3 trading in 2020 is not unexpected.

4 So I do monitor the level of trading that  
5 the managers do. I also monitor that cost. That  
6 cost is captured in that cost per share column. So  
7 execution only is generally one to two cents. Any  
8 amount above that, the manager is probably  
9 receiving some kind of research or service.

10 These expenses do impact their  
11 performance so the managers generally have an  
12 incentive to kind of manage these expenses closely,  
13 but it is something that I track and monitor and  
14 have conversations with them.

15 The next slide looks directly at MWDBE  
16 utilization. This first slide is equity  
17 allocation. Our goal is 22 percent of brokerage to  
18 be allocated to minority brokers.

19 For 2020 the goal is 22 percent and our  
20 managers in total allocated 32 percent to  
21 minorities so the Fund did achieve its goal in  
22 2020.

23 Now individually some of the managers did  
24 not achieve the 22 percent goal and that is

1 actually not unexpected as minority utilization can  
2 be more difficult than some strategies.

3 In large cap, at the top of the page, it  
4 should be pretty easy to achieve. They are  
5 invested in big companies and there is a lot of  
6 brokerage coverage on the big companies and they  
7 are easy to trade.

8 You will notice that Mellon is the larger.  
9 You will recall at the December meeting Madam  
10 Treasurer requested that a letter be sent to Mellon  
11 to formally address this shortfall. The letter was  
12 sent. Mellon's response is in board pack.

13 In their letter, they indicate that they  
14 will implement a new process, they will trade our  
15 portfolio outside of the block and they will be  
16 able to achieve the minority utilization that we  
17 are seeking.

18 Also as a reminder that Mellon did  
19 provide us with a \$19,000 rebate on our fourth  
20 quarter invoice, which was very much appreciated.

21 I do think we'll see some improvement out  
22 of Mellon. One thing I don't want to see any  
23 increased costs, but they are treating our  
24 portfolio a little bit differently so that is

1 something I am going to monitor.

2 MEMBER CONYEARS-ERVIN: Thank you, Lorna,  
3 for that update and we thank them for the rebate.  
4 We are certainly looking for results so I just want  
5 to make certain that on the record that I am  
6 stating I am certainly looking forward to you  
7 coming back to the Board to update us on how they  
8 are doing. I thank them for their response but we  
9 will be closely monitoring them.

10 MS. SCOTT: Sounds good. It sounds like  
11 a plan.

12 Our next slide is fixed income. Our goal  
13 here is 12 percent of traded par to go to minority  
14 brokers. So for 2020 our fixed income managers in  
15 aggregate achieved 19.6 percent so again surpassing  
16 our goal.

17 We only have one manager, Loomis, who did  
18 not achieve the goal. As you know, Loomis has  
19 shown a lot of improvement and I think continued  
20 engagement with them should keep them on track in  
21 working towards achieving higher utilization. They  
22 seem to be very focused on improvement so I think  
23 we will just continue to monitor Loomis' execution.

24 That is our utilization for 2020. Our



1 recommendation is not to change these goals. The  
2 current goals are challenging for some of the  
3 managers and other managers aren't using our goals  
4 as ceilings, they continue to push beyond them. So  
5 our current goals are a nice balance between  
6 achieving and exceeding managers that can do that  
7 and other managers consider it to reach goals. It  
8 is a nice balance between achievement and exceeding  
9 and reach.

10 MEMBER CONYEARS-ERVIN: I'm okay with  
11 that. Thank you for the explanation. And also in  
12 looking at the other pension funds that I sit on,  
13 certainly these goals are within reason from what I  
14 see so thank you for that explanation.

15 MS. SCOTT: Perfect.

16 I don't need a motion yet because these  
17 goals are part of the Investment Policy Statement  
18 and that is what we are reviewing next.

19 MS. BURNS: We do want a separate motion  
20 on that because it is required by statute that the  
21 Board every year does so, but Trustee Murphy is  
22 prepared to do that when you are finished talking  
23 about the Investment Policy.

24 MS. SCOTT: All right. So next item is

1 the Investment Policy Statement Review. There was  
2 a slide that summarizes the changes. It was  
3 actually the item before that, Marc, summary of the  
4 IPS updates.

5 So this basically summarizes the changes  
6 I am making to the Investment Policy Statement.  
7 They are not really changes, they are more updates  
8 and clarifying and refining some of the language.

9 Now, Marc, if you pull up the red line  
10 version, having that synopsis of what I am going to  
11 talk about, we will actually page through the red  
12 line version to look at what I am actually doing.

13 If you page through it, looking at pages  
14 2 and 3, this is where you start seeing some of the  
15 add-ins. Here I am just broadly defining the  
16 consultant responsibilities to include the  
17 investment related searches and that is kind of  
18 like custody and transition management.

19 Keep paging on down. So here we just  
20 added in education that the consultant does. We  
21 added in that they have a yearly compensation  
22 disclosure. Again, these are things that the  
23 consultant already does, I am just adding it to  
24 policy.

1           Keep scrolling through. Page 8, 9, here  
2           you get the rebalancing language. Here all I did  
3           was move the language up next to the asset  
4           allocation targets and then I refined the language  
5           a bit removing some of the procedural aspects of it  
6           and kept it more high level policy orientation.

7           Page on down, here it is clarifying the  
8           commodities benchmark. This is not a change. We  
9           currently use the Bloomberg Commodity Total Return  
10          Index as the benchmark. This is just updating it.  
11          Again, the policy to reflect that.

12          Lastly, on the very last page, page 23, I  
13          am tweaking and consolidating the annual reporting.

14          Again, very cosmetic changes to the IPS.  
15          No changes, just really clarifying, refining, the  
16          language around what we already do.

17          MEMBER MURPHY: Lorna, would now be the  
18          appropriate time to make two motions on what you  
19          previously addressed?

20          MS. SCOTT: Yes.

21          MEMBER MURPHY: Based on the  
22          recommendation of the Fund CIO and the Fund's  
23          Investment Consultant, I would make a motion to  
24          approve the MWDBE goals for 2021 as they were

1 presented.

2 MEMBER CONYEARS-ERVIN: Second.

3 CHAIRMAN FORTUNA: Motion by Trustee

4 Murphy. Seconded by Trustee Conyears-Ervin.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Holt.

8 MEMBER NANCE-HOLT: Yes.

9 CHAIRMAN FORTUNA: Trustee

10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee 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: Mr. President, based on

23 the recommendation of the Fund CIO and the Fund's

24 Investment Consultant, I make a motion to approve

1 the Investment Policy for 2021 as presented.

2 MEMBER MCPHILLIPS: Second.

3 CHAIRMAN FORTUNA: Motion by Trustee

4 Murphy. Seconded by Trustee McPhillips.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Holt.

8 MEMBER NANCE-HOLT: Yes.

9 CHAIRMAN FORTUNA: Trustee

10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee 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 MS. SCOTT: As a reminder, Callan is

23 required to report to the Board on an annual basis

24 any income they have earned from the managers.

1 That report has been given to us and I put it in  
2 board pack in the library under "Disclosures" for  
3 your review.

4 The next item on the agenda is cash  
5 needs. I will turn it over to Jackie.

6 MEMBER CONYEARS-ERVIN: Lorna, I had a  
7 question. We did not get to the watchlist yet,  
8 right?

9 MS. SCOTT: I wasn't really going to  
10 discuss it, but if there is any questions about the  
11 watchlist, absolutely.

12 MEMBER CONYEARS-ERVIN: GlobeFlex, I  
13 would like to talk a little bit about them. I know  
14 they have been on the watchlist since May of 2020  
15 and they have continued to decline. So I wanted to  
16 know kind of what was our plan for them? Are we  
17 going to just continue to wait this out, possibly  
18 bring them in or just I need to know what is their  
19 plan, too?

20 MS. SCOTT: Globeflex, their U.S. equity  
21 portfolio, actually went on watch at the August  
22 21st meeting.

23 MEMBER CONYEARS-ERVIN: I thought I saw  
24 something from May.

1 MS. SCOTT: The May was probably the  
2 Globeflex international portfolio.

3 MEMBER CONYEARS-ERVIN: Okay.

4 MS. SCOTT: Then we put the U.S. equity  
5 portfolio on watch in August.

6 What is interesting is GlobeFlex did  
7 continue to decline but more recently they have  
8 actually started to outperform.

9 MEMBER CONYEARS-ERVIN: Both  
10 international and domestic?

11 MS. SCOTT: We got rid of the  
12 international. I have not looked at the  
13 international.

14 MEMBER CONYEARS-ERVIN: Okay.

15 MS. SCOTT: The domestic portfolio is  
16 starting to come back a little bit so starting to  
17 be stronger. It really has been this year,  
18 February, March. So the turnaround has taken  
19 longer than we anticipated. But I think as part of  
20 the asset allocation review that we're going to be  
21 doing later on this year, analyzing our U.S. equity  
22 structure will be a part of that and consideration  
23 looking at our managers that we have currently on  
24 watch will be one of those items that we review.

1 MEMBER CONYEARS-ERVIN: Okay.

2 MR. O'CONNELL: If I might, Madam  
3 Treasurer, this is Brady with Callan. One of the  
4 things that we do on behalf the Board is monitor  
5 these managers. And Lorna and I both have a  
6 meeting scheduled with Globeflex next week so there  
7 are meetings and discussions that are going on  
8 outside of the board meeting where we are staying  
9 on top of these managers on your behalf.

10 We do have a formal meeting scheduled  
11 with them next week and if any changes come up that  
12 are concerning we will certainly bring those back  
13 to the Board.

14 MEMBER CONYEARS-ERVIN: All right. Thank  
15 you.

16 MS. SCOTT: So cash needs, Jackie.

17 MS. VLAHOS: The cash needs spreadsheet.  
18 So for March we're in good shape as of March 12th.  
19 We currently have \$116 million in our account at  
20 Chase/Fidelity. We are estimating getting  
21 additional salary contributions by the end of the  
22 month of \$1.85 million. Bringing us to cash  
23 available of \$118 million.

24 After our benefit payments for March and



1 other expenditures, which should equal around \$33.5  
2 million, we will have a surplus of \$84.5 million in  
3 our account.

4 Since I did this, which was dated March  
5 12th, we have gotten an additional \$13.5 million so  
6 that would bring us to a total of roughly around  
7 \$98 million that we would have in cash right now at  
8 Chase. Which is great because that is about a  
9 little over three months of benefit payments that  
10 we have in our account and we are not even at the  
11 end of March.

12 If we go to the next page, which is the  
13 cash flows, once again this was as of March 12th.  
14 Currently from this date, we had estimated in the  
15 beginning of year that, obviously it is an  
16 estimate, but we would get 35.5 percent of our tax  
17 receipts. When actually we are currently at 42  
18 percent so we're kind of ahead of the curve right  
19 now. As well as we are talking with Mauricio over  
20 from the Treasurer's Office. He did tell me we  
21 should be expecting an additional \$61 million any  
22 time now. Basically that is from the other funding  
23 that they do for us that is non-real estate portion  
24 of the City contributions. So on top of that we

1 will be getting another \$161 million hopefully  
2 soon.

3 If you look at this for March, it has our  
4 contributions that we talked about, the top line,  
5 the 1.8 million. Then we have our benefit payments  
6 and our admin expenses bringing us to cash out of  
7 \$33.5 million. And then after we pay our benefits,  
8 we will have a balance of \$84.5 million, like I  
9 already talked about, we got an additional \$13  
10 million, so we are really at \$98 million right now.

11 So we're in really good shape and  
12 hopefully if this continues like we discussed  
13 before this will be the first year we weren't need  
14 any drawdowns hopefully for the rest of the year as  
15 well as the years going forward. Are there any  
16 questions?

17 MS. SCOTT: Let's move to the rebalancing  
18 template. So this first column shows the  
19 allocation as of March 11th. At the bottom of the  
20 first column, you can see current cash at Northern  
21 of \$1.1 million. Jackie said she has a cash  
22 balance of about \$98 million.

23 So on the rebalancing template, we're  
24 proposing transferring \$15 million in from Chase

1 and then we are going to invest that in the Earnest  
2 short duration fund. This transfer would true-up  
3 our fixed income exposure and keep the cash liquid  
4 as the cash will be needed to make benefit payments  
5 toward the end of the year.

6 If we look at the last column, the  
7 variance, that shows the pro forma allocation  
8 versus the policy. Within equities, we are above  
9 target in public equities and that is offset by  
10 being under target in private equity.

11 Across the asset classes, we are broadly  
12 in range of our asset allocation targets.

13 I am looking for a motion to add \$15  
14 million to the Earnest short duration account.

15 MEMBER MURPHY: Mr. President, based on  
16 the recommendation of the Fund CIO and Fund's  
17 Investment Consultant, I make a motion to approve  
18 increasing the allocation to the Earnest short  
19 duration fund in the amount of \$15 million.

20 MEMBER VALENCIA: Second.

21 CHAIRMAN FORTUNA: Motion by Trustee  
22 Murphy. Seconded by Trustee Valencia.

23 MEMBER MCPHILLIPS: On the question, real  
24 quick.

1                   CHAIRMAN FORTUNA: Go ahead.

2                   MEMBER MCPHILLIPS: Lorna, so if I am  
3 reading this correctly, are we going to be leaving  
4 almost \$60 million over the remainder of 2021 in  
5 cash, if we don't move anything now?

6                   MS. SCOTT: So, yes. The cash is  
7 supposed to be used for benefit payments. How it  
8 is invested in the short-term is something that  
9 Brady and I are looking into. I think right now it  
10 is sitting in the Chace account, which has a small  
11 yield. It is whether we pull it over and invest it  
12 in Northern Trust's STIFF Fund, which would put us  
13 off on our asset allocation and just kind of  
14 comparing what that investment strategy is given  
15 where short-term rates are. There's a few  
16 considerations as we consider what to do with it,  
17 but as of right now, yes, you are right. Most of  
18 the money is still sitting in Chase. I think the  
19 City might have it invested in a Fidelity fund as  
20 well.

21                   MEMBER MCPHILLIPS: Okay. As a trustee,  
22 I think we should all be concerned that we have a  
23 large cash balance here that will not be invested.

24                   MS. SCOTT: It is earmarked for benefit

1 payments. The worse thing we can do is invest it  
2 in equities and have them fallout.

3 So it is balancing the need for  
4 short-term liquidity to make benefit payments for  
5 the next year or until the end of the year or  
6 invest it in something where it can possibly go  
7 down. I think that is where we are erring on the  
8 side of caution to make sure we do have that money  
9 available for benefit payments.

10 MEMBER MCPHILLIPS: And that is  
11 definitely a fair enough concern, but if you look  
12 at the ending balance in the cash flow projections,  
13 we never fall below -- well, at the very end of the  
14 year we fall below \$60 million.

15 All these cash flows coming in are not  
16 subject to the risk of the market. These are  
17 monies we are pretty certain to be getting in. It  
18 is contribution from payroll contributions, tax  
19 receipts, that levy has already been passed and  
20 that money is coming in.

21 The risk of us not getting this money is  
22 pretty minimal. To just leave it sitting there I  
23 think is --

24 MS. SCOTT: So we have \$90 million, that

1 is three months worth of benefit payments, that is  
2 three months where it is gone. So if we're getting  
3 in more money -- and that is where it is really  
4 just watching to see that the money comes in. I  
5 very well may want to invest a little bit more in  
6 Earnest short duration next month. Anything that  
7 we do is short-term. Anything that we do we are  
8 going to turn around and sell and get back to pay  
9 benefits payments.

10 It is really this concept of making sure  
11 we don't do anything too risky with it because you  
12 don't know what the market is going to do. The  
13 cash is available to payout the benefit payments.

14 MEMBER MCPHILLIPS: Again, I understand  
15 that but if we look at the cash flow projections  
16 this cash coming in -- are you concerned we won't  
17 be getting this cash?

18 MS. SCOTT: I know this is a different  
19 year. I want to watch the timing on it. Right now  
20 we are talking about one month of watching the  
21 timing.

22 Jackie did say she's got another \$60  
23 million coming in. So, yes, and that is new  
24 information that came to me today.

1 I am willing to wait until next month and  
2 maybe invest a little bit more at Northern.

3 Meanwhile, the cash is not completely uninvested.  
4 It earns something at Chase. I believe the City is  
5 actually sweeping that money and earning something  
6 within a Fidelity short-term investment fund.

7 MEMBER MCPHILLIPS: Right, right. Okay.  
8 All right. Very good. Just for the record, I  
9 think we really need to have this discussion next  
10 month. If you look at any balance for the cash  
11 flow projections, that is a lot of money to be  
12 leaving in a very low yield account.

13 MS. SCOTT: It is a balance of leaving it  
14 so it is secure versus -- Tim, we can definitely  
15 talk about this about how you would see we should  
16 manage this money in the short-term in order to  
17 still meet our benefit payments without losing a  
18 dollar.

19 We can definitely talk about it. Again,  
20 that is something that Brady and I have had  
21 multiple conversations on as far as what do you do  
22 with the cash balance when you know you are going  
23 to spend it before the end of the year and you  
24 don't want to risk any of it but you don't want to

1 leave it uninvested either. So those are the  
2 options that we have been playing with is how much  
3 is going to sit at Fidelity. How much can we sit  
4 at Northern. What are we going to earn on that.  
5 And what little we put in the Earnest short fund is  
6 a longer duration fund so in theory it should earn  
7 a little bit more.

8 We also know we're going to be drawing  
9 down on that at the end of year. So, yes, I hear  
10 you and the record reflects your concerns and I  
11 will definitely keep you in the loop as Brady and I  
12 have more refined conversations as we see the cash  
13 coming in.

14 MEMBER MCPHILLIPS: I just want to  
15 clarify your concerns about the drawdowns. If you  
16 look at the cash flow projections you just  
17 presented, the drawdowns do not get to the point  
18 where we are going to have a negative cash flow.

19 So I can appreciate your concern that we  
20 need to balance the risk of going into equities or  
21 even a longer term fixed income mandate, but you  
22 need to balance that with the clear presentation  
23 that was made in the cash flow projections. We are  
24 not even going to go negative anywhere during the



1 year.

2 So, okay, there is a motion out there.  
3 Let's go ahead and vote. I just wanted it on the  
4 record; my concern. Thank you.

5 CHAIRMAN FORTUNA: Any other discussions  
6 on this motion? Okay. Hearing none, we do have a  
7 motion by Trustee Murphy. Seconded by Trustee  
8 Valencia.

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee

14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.

19 MEMBER MCPHILLIPS: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Mr. President, I'd like  
3 to move on to 7-A in the agenda, Administrative  
4 Expenses for Board Review and Approval. I move to  
5 approve the Administrative Expenses as they were  
6 presented in the board pack.

7 MEMBER TEBBENS: Second.

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

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee

15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1                   CHAIRMAN FORTUNA:   And I am a yes.

2                   Motion carries.

3                   MEMBER MURPHY:   I'd like to move on to  
4 Item 8, the Executive Director's Report.   Sarah,  
5 take it away.

6                   MS. BOECKMAN:   Thank you, Secretary  
7 Murphy.

8                   I have three items for today.   The first  
9 is a quick update on the Executive Director search.  
10 I wanted Trustees to be aware that we have received  
11 resumes from six candidates.   The position is open  
12 until this Monday the 22nd.   I will be reaching out  
13 to the Board Officers, which you will recall  
14 comprise the search committee.   I will be reaching  
15 out to those Board Officers to check their  
16 availability to schedule that first round of  
17 interviews with the candidates that have responded.  
18 So, Board Officers, please be looking out for that  
19 email from me.

20                   The second point is just on the ethics  
21 certificate again.   I emailed the Board about a  
22 week ago with a copy of that certificate.   Again,  
23 that is consistent with the Fund's policy.   On an  
24 annual basis, we ask Trustees to sign that

1 certificate acknowledging receipt of the Ethics  
2 Policy. If anyone has any questions, let me know  
3 but I will be following up with you individually to  
4 make sure that we get that signed certificate on  
5 file.

6 The last item is that we have a really  
7 heavy docket scheduled for April. We have five  
8 regular hearings and then we also have the felony  
9 hearing that we have discussed in the past under  
10 Legal and then also a PTSD Duty Disability case.  
11 So we're looking at about three and a half to four  
12 hours of hearings, not counting our regular agenda.

13 And so one thing that we are considering  
14 is maybe holding a special meeting, breaking apart  
15 those hearings and holding them on a separate day.

16 I will be emailing all board members just  
17 to get their preference on whether or not they  
18 would like to have a special meeting or whether or  
19 not they'd like just to do one long meeting. And  
20 then also what the availability would be of the  
21 individual trustees, if we did hold that special  
22 meeting.

23 So no need to comment now. I will be  
24 emailing all of you separately to gauge your

1 preference and your availability, but I did just  
2 want to plant that out there because unfortunately  
3 both the April and May meetings we have quite a few  
4 disability applicants on the docket.

5 MEMBER VALENCIA: Sarah, I know you are  
6 going to email us separately, but I did want to  
7 flag, just because there are a lot of hearings that  
8 day, it is a City Council meeting so I will only be  
9 present for about a hour of the meeting. I wanted  
10 you to know that, if you needed me for voting that  
11 day.

12 MS. BOECKMAN: Thank you, Trustee  
13 Valencia, that is really helpful. I think that  
14 kind of shows that it might be best if we do break  
15 it apart and do hearings on a separate date. But  
16 like I said, I will be emailing everyone so we can  
17 gauge the preference of the Board and availability  
18 of the Board. But, thank you, for that comment, I  
19 appreciate that.

20 With that, Mr. President, that concludes  
21 my Executive Director's Report, unless there are  
22 any questions.

23 MEMBER MURPHY: Any questions, Trustees?

24 MEMBER MCPHILLIPS: None.

1 CHAIRMAN FORTUNA: Okay.

2 MEMBER MURPHY: Motion to accept the  
3 Executive Director's Report.

4 MEMBER SONI: Second.

5 CHAIRMAN FORTUNA: Motion to accept by  
6 Trustee Murphy. Seconded by Trustee Soni.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Mr. President, Item 10 on

1 the agenda is the Legal Update, Mary Pat.

2 MS. BURNS: Thank you, Trustee Murphy.

3 There is really only one item and it  
4 involves our semiannual review of the executive  
5 session minutes.

6 In your Board packets, we prepared and  
7 have for you, as we always do, a list of the  
8 minutes that we believe should be open to the  
9 public consistent with the requirements of  
10 transparency under the Open Meetings Act as well as  
11 an acknowledgment by you that we are allowed to  
12 discard any tapes that are 18 months old or older  
13 and for which the minutes have already been  
14 approved.

15 Unless there are any questions,  
16 consistent with the Fund's policy, we would ask for  
17 a motion to approve the opening of the executive  
18 session minutes as reflected on our memo dated  
19 March 17, 2021, consistent with the recommendation  
20 of Fund counsel and consistent with Section 206(d)  
21 of the Open Meetings Act.

22 MEMBER MURPHY: I'd like to make said  
23 motion on advice of counsel.

24 MEMBER MCPHILLIPS: Second.

1                   CHAIRMAN FORTUNA: Motion by Trustee  
2 Murphy. Seconded by Trustee McPhillips.  
3                   Trustee Murphy.  
4                   MEMBER MURPHY: Yes.  
5                   CHAIRMAN FORTUNA: Trustee Holt.  
6                   MEMBER NANCE-HOLT: 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                  MS. BURNS: The last motion is to allow  
21 Fund counsel to work with the Interim Executive  
22 Director, who is wonderful, to ensure that the  
23 verbatim records older than 18 months are discarded  
24 in accordance with the requirements of Section



1 206(c) of the Open Meetings Act.

2 MEMBER MURPHY: I'd like to make said  
3 motion on advice of counsel.

4 MEMBER NANCE-HOLT: Second.

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

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

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

1 to move to Item 11, Old Business/New Business. Is  
2 there any new business or old business that anyone  
3 wants to bring up?

4 MEMBER NANCE-HOLT: Before we end the  
5 meeting, can I make a comment?

6 MEMBER MURPHY: Please.

7 MEMBER NANCE-HOLT: Let me just say, I  
8 have been on the job over 30 years and I was pretty  
9 insulted by the newsletter that used my name and it  
10 didn't explain everything truthfully. So I would  
11 just appreciate in the future if my name was left  
12 out of communications.

13 I respect the person's right to speak or  
14 whatever but I think it draws a bad line with the  
15 Board and it looks like we're not professional and  
16 we can't work together and that has always been my  
17 goal, the best for the Pension Board and for the  
18 members.

19 So I would just appreciate that. I was  
20 very disappointed in what I read so I want that to  
21 be on the record.

22 CHAIRMAN FORTUNA: That is on the record  
23 and I am truly sorry about that.

24 MEMBER CONYEARS-ERVIN: I want to chime

1 in here. Just really I had an opportunity to look  
2 at the "unofficial" -- I think is what it is  
3 titled. Let me see exactly, the "Unofficial  
4 Pension Newsletter".

5 And my heart is so heavy I am just trying  
6 to just -- I really have a loss of words really. I  
7 have so much respect for everyone on this Pension  
8 Fund. Really, to be honest with you, as a trustee  
9 of the Pension Fund and being elected City  
10 Treasurer and seeing all four pension funds, it  
11 really was an eye opener as to the hard work and  
12 dedication of my fellow trustees. I have so much  
13 appreciation for trustees of pension funds. All  
14 the time that is really put into these meetings.  
15 Discussions that are made every single month. It  
16 might surprise people that we meet every month for  
17 hours, sometimes twice a month. Sarah just got  
18 done talking about possibly next month two  
19 meetings, hours in, because we care and we really  
20 want what is best for the annuitants and  
21 beneficiaries.

22 So when I saw this newsletter, I have to  
23 tell you, I don't understand where it is coming  
24 from. I don't understand why we, as trustees,

1 would put out information about each other. If  
2 there are any concerns that we need to talk about,  
3 maybe we should have a discussion one-on-one. But  
4 putting it in writing, putting it out there, and as  
5 I looked through that newsletter it was like  
6 talking about a trustee to the next trustee to the  
7 next trustee, and I was just thinking, why are we  
8 doing this?

9 I would just wish that if there are any  
10 concerns amongst each other, that we will be  
11 professional to talk about it one-on-one versus  
12 putting it out there that is not even taking into  
13 consideration both sides.

14 And what I don't want is to see, well,  
15 here's my side, now you write your side, that just  
16 doesn't look good for the Fund.

17 So I would just wish that we would have  
18 enough respect for each other that if there are any  
19 type of miscommunications or any type of we felt  
20 maybe someone offended us that we can have a  
21 conversation one-on-one.

22 I will also say this. I am even more  
23 taken aback at a time right now where we are in  
24 where we know that the Commissioner of the Fire

1 Department is retiring or has retired. And we also  
2 know that the Fire Department has -- I don't  
3 believe in Chicago's history has had a woman  
4 Commissioner in Chicago's history.

5 And so I will say the timing of this as a  
6 woman, knowing what is at stake and knowing what  
7 the challenges are as women already, the timing of  
8 this newsletter -- and I am going to speak  
9 specifically in regards to First Deputy Holt  
10 because I do understand that several people are  
11 being considered for Commissioner and it is at a  
12 time right now that a woman is being considered for  
13 Commissioner.

14 And so I have found First Deputy Holt to  
15 just be amazingly respectful. She is a team  
16 player. She works with all the trustees on this  
17 Board. I mean, I can't imagine being First Deputy,  
18 being a trustee. I mean, obviously, being an  
19 elected official being a trustee is very difficult.  
20 But certainly all the work that she is doing and  
21 how she manages it all and when she comes to these  
22 pension funds that she certainly is not only  
23 pleasant but professional.

24 And I appreciate you, President Fortuna,

1 for entertaining me for this time. I just need the  
2 Board to understand that I am beyond taken aback as  
3 to what has transpired and I just hope that going  
4 forward we can have conversations. I would never  
5 want us to attack each other. We are fellow  
6 trustees. And so, certainly, we can do better than  
7 that.

8 I really appreciate Trustee Holt's  
9 comments that were made and I just want to just put  
10 on the record just the work that she has done and I  
11 thank her as a woman for really being a role model  
12 for other woman. So, thank you, Mr. President.

13 MEMBER VALENCIA: Mr. President, I also  
14 wanted to speak on the record and just backup what  
15 the Treasurer and Trustee Conyears-Ervin has said.

16 It is Women's History Month and I think  
17 that means something to see women in leadership and  
18 in spots that we haven't ever been before.

19 And just the timing of the letter and  
20 just the letter in general for any of our trustees,  
21 I think to speak anything ill of, is poor taste.  
22 And I feel like we are making progress at this  
23 board and it takes a little step back.

24 But I also want to just say that Trustee

1 Holt has been nothing but kind and always showing  
2 up even when it's hard to do both jobs at the same  
3 time and always caring about the firefighters,  
4 number one, their families and community and that  
5 is all I have known her to be.

6 Starting out in my career, she has been  
7 nothing but kind to support other women coming up  
8 in the ranks and helping us find our sea legs and  
9 really help to steer us.

10 I just wanted to thank her publicly for  
11 having an impact on my life personally and I know a  
12 lot of other women and men, individuals here on the  
13 Pension Fund Board, and in the ranks of the  
14 firefighters.

15 So I just wanted to go on record to say  
16 that she has my full support and I hope to see her  
17 break another barrier for all of us. Whether she  
18 does or not, we are very lucky as Chicagoans having  
19 her representing us. Thank you for the time.

20 CHAIRMAN FORTUNA: Thank you, everyone,  
21 for making these comments and concerns known to the  
22 Board.

23 MEMBER CONYEARS-ERVIN: I think Trustee  
24 Soni unmuted. I don't know if she wanted to add

1 something.

2 MEMBER SONI: Thank you so much, Trustee  
3 Conyears-Ervin.

4 I actually also wanted to add to say that  
5 in the time that I have been here with the Board,  
6 and even outside of the Board, Trustee Nance-Holt  
7 has been always professional, but more than that  
8 she has always been fair, understanding and she  
9 always look at the entire picture.

10 It's difficult to be in a role here where  
11 you are supposed to be a board member and you're  
12 taking on decisions that impact the people that  
13 work for you and I think she does it very well.  
14 And I have always seen her to be fair in every  
15 decision that she makes.

16 So I just want to say how much I  
17 appreciate the fact that she is here, that she  
18 guides me and many of the members of this Board,  
19 and I think we're very lucky to have her on this  
20 Board and as a City employee.

21 I do feel that we need to continue to  
22 respect each other and especially being in a  
23 position that we are all in. We have a fiduciary  
24 duty to the Board, but also to each other as well.



1                   CHAIRMAN FORTUNA: Trustee Soni, thank  
2 you.

3                   MEMBER MURPHY: Mr. President, I thought  
4 that was very well said by all the trustees and I  
5 echo all of those sentiments.

6                   I would like to make a motion to adjourn  
7 today's meeting.

8                   MEMBER VALENCIA: Second.

9                   CHAIRMAN FORTUNA: Okay. There is a  
10 motion to adjourn. Seconded by Trustee Valencia.  
11 All in favor?

12                                   (Chorus of ayes.)

13  
14                                   (WHICH WERE ALL THE PROCEEDINGS  
15 IN THE ABOVE-ENTITLED MEETING  
16 AT THIS DATE AND TIME.)

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

Debbie Tyrrell  
DEBBIE TYRRELL, CSR  
License No. 084-001078

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

IN THE MATTER OF )  
Special Meeting )  
Executive Director )  
Search Committee )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the audio/video meeting of the above-entitled  
matter, held at 20 South Clark Street, Suite 300,  
in the City of Chicago, County of Cook, State of  
Illinois, on April 8, 2021, commencing at the hour  
of 9:15 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANNA VALENCIA, City Clerk

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.  
BY: MS. MARY PATRICIA BURNS  
MS. SARAH A. BOECKMAN

1 CHAIRMAN FORTUNA: Roll call, please

2 MS. BOECKMAN: President Fortuna.

3 CHAIRMAN FORTUNA: Here.

4 MS. BOECKMAN: Secretary Murphy.

5 MEMBER MURPHY: Here.

6 MS. BOECKMAN: Vice-President Valencia.

7 MEMBER MURPHY: Here.

8 MS. BOECKMAN: We have a quorum of the  
9 Search Committee.

10 CHAIRMAN FORTUNA: Sarah, thank you. We  
11 have a quorum for today's meeting.

12 As President, I'd like to mention Public  
13 Act 101-0640 allows this committee meeting to be  
14 conducted by audio and video conference.

15 Further consistent with Public Act  
16 101-0640, for the record, I am physically present  
17 at the Fund's office as is Fund Secretary and our  
18 Interim Executive Director.

19 We are proceeding by video conference  
20 because we continue to believe that due to the  
21 pandemic it is prudent to not be physically present  
22 in the same space. We have posted notice of this  
23 meeting in accordance with the Open Meetings Act  
24 and the meeting is being recorded. A transcript of

1 the proceedings will be prepared and ultimately  
2 available on the Fund's website.

3 Public Comments. Consistent with Public  
4 Act 91-0715 and reasonable constraints determined  
5 by the Board of Trustees, at each regular meeting  
6 of the Board or its committees that is open to the  
7 public, members of the public may request a brief  
8 time to address the Board on relevant matters  
9 within its jurisdiction.

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

12 Hearing none, we will move on.

13 We are going to hear presentations from  
14 candidates for the Executive Director position.

15 May I have a motion to go into closed  
16 session pursuant to Section 2(c)1 of the Open  
17 Meetings Act?

18 MEMBER MURPHY: I'd like to make that  
19 motion.

20 MEMBER VALENCIA: Second.

21 CHAIRMAN FORTUNA: Motion by Trustee  
22 Murphy. Seconded by Trustee Valencia.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Valencia.

2 MEMBER VALENCIA: Yes.

3 CHAIRMAN FORTUNA: I am a yes.

4 We will move into closed session.

5 MS. BURNS: Just so members of the public  
6 know, we will resume in open session to adjourn but  
7 we do not anticipate taking any formal action.

8 (Whereupon, the Board went into  
9 executive session off the record.  
10 No action was taken in Executive  
11 Session.)

12 MEMBER MURPHY: Motion to adjourn.

13 MEMBER VALENCIA: Second.

14 CHAIRMAN FORTUNA: Motion to adjourn by  
15 Trustee Murphy. Seconded by Trustee Valencia.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 We are adjourned.

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

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF DU PAGE )  
3  
4  
5

6 DEBORAH TYRRELL, being a Certified Shorthand  
7 Reporter, on oath says that she is a court reporter  
8 doing business in the County of DuPage and State of  
9 Illinois, that she reported in shorthand the  
10 proceedings given at the taking of said cause and  
11 that the foregoing is a true and correct transcript  
12 of her shorthand notes so taken as aforesaid; and  
13 contains all the proceedings given at said cause.  
14  
15  
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17 Debbie Tyrrell  
18 DEBBIE TYRRELL, CSR  
License No. 084-001078  
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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

SARAH A. BOECKMAN, Interim Executive Director

LORI LUND, Deputy Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

MARC TORRES, IT Analyst

MARK MYSLINSKI, City Treasurer's Office

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

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

It is 8:30.

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

MS. BURNS: Thank you, sir.

Trustee Valencia.

MEMBER VALENCIA: Here.

MS. BURNS: Trustee Nance-Holt.

MEMBER NANCE-HOLT: Present.

MS. BURNS: Trustee Soni.

(No response.)

Trustee Murphy.

MEMBER MURPHY: Here.

MS. BURNS: Trustee Coneyears-Ervin.

(No response.)

Trustee McPhillips.

MEMBER MCPHILLIPS: Here.

CHAIRMAN FORTUNA: Trustee Tebbens.

MEMBER TEBBENS: Here.

MS. BURNS: Trustee Fortuna.

CHAIRMAN FORTUNA: I am here.

MS. BURNS: Sir, you have a quorum.

CHAIRMAN FORTUNA: Thank you, very much.

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

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

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

24                  Are there any requests for public comment

1 today?

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

3 Secretary Murphy.

4 MEMBER MURPHY: Thank you, Mr. President.

5 First, we would like to turn to the

6 Approval of Administrative Items.

7 Item A, Approval of the Minutes. The

8 Regular Audio Meeting from March 17, 2021 open and

9 closed minutes and the Regular Audio Meeting

10 transcript for March 17, 2021.

11 I would like to make a motion to approve

12 the open minutes, the audio transcript and the

13 closed session minutes for the March 17th meeting

14 and to keep the closed session minutes closed on

15 the recommendation of counsel.

16 MEMBER TEBBENS: Second.

17 CHAIRMAN FORTUNA: There is a motion by

18 Trustee Murphy. Seconded by Trustee Tebbens.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee McPhillips.

24 MEMBER MCPHILLIPS: Yes.

1 CHAIRMAN FORTUNA: Trustee Tebbens.

2 MEMBER TEBBENS: Yes.

3 CHAIRMAN FORTUNA: Trustee Valencia.

4 MEMBER VALENCIA: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Moving on to

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

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

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

20 MEMBER MCPHILLIPS: Second.

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

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes. Good

7 morning.

8 CHAIRMAN FORTUNA: Trustee McPhillips.

9 MEMBER MCPHILLIPS: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

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

17 edification of the Trustees, what you just agreed

18 to was entry of the decision stating that Mr.

19 Rivera did not get the five votes necessary to

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

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

22 decision. Thank you, very much.

23 MEMBER MURPHY: Moving on to B, I would

24 like to make a motion to approve the Minimum

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

3 MEMBER NANCE-HOLT: Second.

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

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

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

1 MEMBER MURPHY: Thank you.

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

7 MEMBER MCPHILLIPS: Second.

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

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Holt.

14 MEMBER NANCE-HOLT: Yes.

15 CHAIRMAN FORTUNA: Trustee  
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.

19 MEMBER MCPHILLIPS: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.



1 Motion carries.

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

6 MEMBER MCPHILLIPS: Second.

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

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee

14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Moving on to Death

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

3 MEMBER MCPHILLIPS: Second.

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

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: Yes.

10 CHAIRMAN FORTUNA: Trustee  
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

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

1 MEMBER MCPHILLIPS: Second.

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

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee

9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: Trustee Valencia.

16 MEMBER VALENCIA: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

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

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

4           MEMBER NANCE-HOLT:    Second.

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

7           Trustee Murphy.

8           MEMBER MURPHY:    Yes.

9           CHAIRMAN FORTUNA:    Trustee Holt.

10          MEMBER NANCE-HOLT:    Yes.

11          CHAIRMAN FORTUNA:    Trustee

12          Conyears-Ervin.

13          MEMBER CONYEARS-ERVIN:    Yes.

14          CHAIRMAN FORTUNA:    Trustee McPhillips.

15          MEMBER MCPHILLIPS:    Yes.

16          CHAIRMAN FORTUNA:    Trustee Tebbens.

17          MEMBER TEBBENS:    Yes.

18          CHAIRMAN FORTUNA:    Trustee Valencia.

19          MEMBER VALENCIA:    Yes.

20          CHAIRMAN FORTUNA:    And I am a yes.

21          Motion carries.

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

24          approved this year due to inclusion of the Duty

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

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

7             MEMBER MCPHILLIPS:    Second.

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

10            Trustee Murphy.

11            MEMBER MURPHY:    Yes.

12            CHAIRMAN FORTUNA:    Trustee Holt.

13            MEMBER NANCE-HOLT:    Yes.

14            CHAIRMAN FORTUNA:    Trustee

15     Conyears-Ervin.

16            MEMBER CONYEARS-ERVIN:    Yes.

17            CHAIRMAN FORTUNA:    Trustee McPhillips.

18            MEMBER MCPHILLIPS:    Yes.

19            CHAIRMAN FORTUNA:    Trustee Tebbens.

20            MEMBER TEBBENS:    Yes.

21            CHAIRMAN FORTUNA:    Trustee Valencia.

22            MEMBER VALENCIA:    Yes.

23            CHAIRMAN FORTUNA:    And I am a yes.

24            Motion carries.

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

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

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

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

19                   MEMBER CONYEARS-ERVIN: Second.

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

22                   Trustee Murphy.

23                   MEMBER MURPHY: Yes.

24                   CHAIRMAN FORTUNA: Trustee Holt.

1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee McPhillips.

6 MEMBER MCPHILLIPS: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

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

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

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

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

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

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

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



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

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

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

16 MEMBER MCPHILLIPS: Second.

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

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee  
24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

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

13 There are five guardianship matters.  
14 Staff confirms that the appropriate documentation  
15 is on file for each of these members.

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

19 MEMBER MCPHILLIPS: Second.

20 CHAIRMAN FORTUNA: Motion by Murphy.  
21 Second by McPhillips.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Holt.

1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee McPhillips.

6 MEMBER MCPHILLIPS: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

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

17 MEMBER CONYEARS-ERVIN: Second.

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

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Holt.

23 MEMBER NANCE-HOLT: Yes.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: Trustee Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

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

15 MEMBER TEBBENS: Second.

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

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Holt.

21 MEMBER NANCE-HOLT: Yes.

22 CHAIRMAN FORTUNA: Trustee

23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

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

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

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

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

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

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Holt.

2 MEMBER NANCE-HOLT: Yes.

3 CHAIRMAN FORTUNA: Trustee

4 Conyears-Ervin.

5 MEMBER CONYEARS-ERVIN: Yes.

6 CHAIRMAN FORTUNA: Trustee McPhillips.

7 MEMBER MCPHILLIPS: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

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

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

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

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

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

24 MR. PINELLI: Let the record show this is

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

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

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

15 MR. CUMMINGS: Yes, sir.

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

21 MR. CUMMINGS: Yes, sir.

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

1 grant the benefit that the applicant is seeking.

2 Do you understand it is your burden of proof?

3 MR. CUMMINGS: Yes, sir.

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

12 MR. CUMMINGS: Yes, sir.

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

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

16 DOCTOR SAMO: I am.

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

20 (Witness sworn.)

21 MICHAEL J. CUMMINGS

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

24 EXAMINATION



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BY MR. PINELLI:

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

A Michael James Cummings.

Q What is your rank with the Fire Department?

A Lieutenant EMT.

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

A Engine 49.

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

A Yes.

Q Did you have the opportunity to review them?

A Yes, sir.

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

A No, I don't.

MR. PINELLI: Thank you.

Mr. Chairman, I would move for admission

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

3 CHAIRMAN FORTUNA: Admitted without  
4 objection.

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

7 MR. PINELLI: Thank you.

8 BY MR. PINELLI:

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

14 A Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 A Yes.

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

14 A Correct.

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

17 A Yes, I did.

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

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

1 week.

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

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

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

10 A Yes, sir.

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

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

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

21 A Yes, sir. Yes, sir.

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

24 A No, sir.



1 Q Sir, please state your name.

2 A Daniel Samo.

3 Q You are a physician; is that correct?

4 A Yes.

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

8 A Yes.

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

11 A Yes.

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

15 A Yes.

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

18 A I did.

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

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

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



1 correct?

2 A That is correct.

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

7 A Yes.

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

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

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

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

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

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

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

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

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

22          A     Yes.

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

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

3 MEMBER MCPHILLIPS: No questions.

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

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

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

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee  
15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

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

6 MEMBER MCPHILLIPS: Second.

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

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee  
14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.

19 MEMBER MCPHILLIPS: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

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

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

8 MEMBER MCPHILLIPS: Second.

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

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Holt.

14 MEMBER NANCE-HOLT: Yes.

15 CHAIRMAN FORTUNA: Trustee  
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

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

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

9 Thank you and good luck.

10 MR. CUMMINGS: Thank you.

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

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

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

1 receive this benefit, do you understand that?

2 MR. IMBURGIA: I do, sir.

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

7 MR. IMBURGIA: Yes, please.

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

13 MR. IMBURGIA: Yes, sir.

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

22 MR. IMBURGIA: Yes, sir.

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

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

3 (Witnesses sworn.)

4 MICHAEL E. IMBURGIA

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

7 EXAMINATION

8 BY MR. PINELLI:

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

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

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

14 A Battalion Chief.

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

17 A Battalion 13.

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

22 A I did, sir.

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



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

4           Q     Okay.  When you say omitted --

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

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

13          A     Okay.  Now, sir?

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

19          A     No objection.

20                   MR. PINELLI:  Thank you.

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

24                   CHAIRMAN FORTUNA:  Admitted without

1 objection.

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

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

5 BY MR. PINELLI:

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

10 A That is correct.

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

13 A Yes, sir.

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

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

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

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

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

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

1 and I went back to Battalion 13.

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

9 A Yes, sir.

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

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

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

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

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

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

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

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

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

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

24 They couldn't do it then so they

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

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

9 Q When was the ablation?

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

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

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

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

20 I have no further questions of the  
21 applicant.

22 CHAIRMAN FORTUNA: Trustees, any  
23 questions?

24 MEMBER MCPHILLIPS: No questions.

1                   CHAIRMAN FORTUNA:  No questions.

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

4   (Witness previously sworn.)

5                                   DANIEL SAMO, M.D.

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

8   EXAMINATION

9   BY MR. PINELLI:

10                   Q     Sir, please state your name.

11                   A     Daniel Samo.

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

13                   A     Yes.

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

16                   A     Yes.

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

19                   A     Yes.

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

23                   A     Yes.

24                   Q     In this particular case, did Dr. Peters

1 perform the interview of the applicant?

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

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

6 A Yes.

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

9 A Yes.

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

13 A Yes.

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

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

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



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

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

13              A       Correct.

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

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

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

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

24              MEMBER MCPHILLIPS: No questions.

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

4 MEMBER MCPHILLIPS: Second.

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

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

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

4                   MEMBER MCPHILLIPS: Second.

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

8                   Trustee Murphy.

9                   MEMBER MURPHY: Yes.

10                  CHAIRMAN FORTUNA: Trustee Holt.

11                  MEMBER NANCE-HOLT: Yes.

12                  CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14                  MEMBER CONYEARS-ERVIN: Yes.

15                  CHAIRMAN FORTUNA: Trustee Soni.

16                  MEMBER SONI: Yes.

17                  CHAIRMAN FORTUNA: Trustee McPhillips.

18                  MEMBER MCPHILLIPS: Yes.

19                  CHAIRMAN FORTUNA: Trustee Tebbens.

20                  MEMBER TEBBENS: Yes.

21                  CHAIRMAN FORTUNA: Trustee Valencia.

22                  MEMBER VALENCIA: Yes.

23                  CHAIRMAN FORTUNA: And I am a yes.

24                  Motion carries.

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

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

7           MEMBER MCPHILLIPS: Second.

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

10          Trustee Murphy.

11          MEMBER MURPHY: Yes.

12          CHAIRMAN FORTUNA: Trustee Holt.

13          MEMBER NANCE-HOLT: Yes.

14          CHAIRMAN FORTUNA: Trustee

15 Conyears-Ervin.

16          MEMBER CONYEARS-ERVIN: Yes.

17          CHAIRMAN FORTUNA: Trustee Soni.

18          MEMBER SONI: Yes.

19          CHAIRMAN FORTUNA: Trustee McPhillips.

20          MEMBER MCPHILLIPS: Yes.

21          CHAIRMAN FORTUNA: Trustee Tebbens.

22          MEMBER TEBBENS: Yes.

23          CHAIRMAN FORTUNA: Trustee Valencia.

24          MEMBER VALENCIA: Yes.

1                   CHAIRMAN FORTUNA:   And I am a yes.

2                   Motion carries.

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

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

8                   Thank you and good luck.

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

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

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

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

24                  MR. KURBAN:   I do, sir.

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

5           MR. KURBAN: That is correct, sir.

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

11          MR. KURBAN: Yes, I do.

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

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

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

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(Witnesses sworn.)

SAM A. KURBAN

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

EXAMINATION

BY MR. PINELLI:

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

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

Q What is your rank with the Fire Department?

A Firefighter EMT.

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

A Truck 9.

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

A Yes, I did.

Q Did you have an opportunity to review them?

A Yes, I did.

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

4           A     Absolutely not.

5           MR. PINELLI: Thank you.

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

8           CHAIRMAN FORTUNA: Admitted without  
9 objection.

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

12           MR. PINELLI: Thank you.

13 BY MR. PINELLI:

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

18           A     That is correct.

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



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

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

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

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

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

24                    The occupant was lifeless and

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

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

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

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

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

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

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

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

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

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

3 A It was my left shoulder, sir.

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

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

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

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

15 A That is correct, sir, yes.

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

18 A Correct.

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

24 A That is correct, sir.

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

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

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

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

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

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

3           A     Yes, that is correct, sir.

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

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

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

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

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

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

1           A     No, sir.

2           Q     Have you engaged in any sporting  
3 activities?

4           A     None whatsoever.

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

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

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

12           CHAIRMAN FORTUNA: Trustees, any  
13 questions?

14           MEMBER MCPHILLIPS: No questions.

15           CHAIRMAN FORTUNA: No questions, Vince.

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

18                     (Witness previously sworn.)

19                     DANIEL SAMO, M.D.

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

22                     EXAMINATION

23                     BY MR. PINELLI:

24           Q     Please, state your name.

1           A     Daniel Samo.

2           Q     You are a physician; is that correct?

3           A     Yes.

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

6           A     Yes.

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

10          A     Yes.

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

13          A     Yes.

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

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

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

20          A     Yes.

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



1           A     Yes.

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

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

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

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

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

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

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

24          A     Yes, I would absolutely agree with that.

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

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

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

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

11          MEMBER MCPHILLIPS: No questions.

12          Motion to grant.

13          MEMBER MURPHY: Second.

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

17          Trustee Murphy.

18          MEMBER MURPHY: Yes.

19          CHAIRMAN FORTUNA: Trustee Holt.

20          MEMBER NANCE-HOLT: Yes.

21          CHAIRMAN FORTUNA: Trustee  
22 Conyears-Ervin.

23          MEMBER CONYEARS-ERVIN: Yes.

24          CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

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

13 MEMBER MCPHILLIPS: Second.

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

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Holt.

19 MEMBER NANCE-HOLT: Yes.

20 CHAIRMAN FORTUNA: Trustee  
21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

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

14 MEMBER MCPHILLIPS: Second.

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

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Holt.

20 MEMBER NANCE-HOLT: Yes.

21 CHAIRMAN FORTUNA: Trustee  
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

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

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

16 Thank you and good luck.

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

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

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

1 MEMBER VALENCIA: Second.

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

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Holt.

7 MEMBER NANCE-HOLT: Yes.

8 CHAIRMAN FORTUNA: Trustee

9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

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

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

1 Secretary. Is Ms. Mazor on the line?

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

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

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

11 MS. MAZOR: I am sorry?

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

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

16 MS. MAZOR: Good morning, sir.

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

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

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

24 MR. PINELLI: Thank you. Now we are

1 ready to proceed with the hearing.

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

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

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

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

15 MR. MARCONI: Right.

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

18 MR. MARCONI: I do not.

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

23 MR. MARCONI: That is correct.

24 MR. PINELLI: Could you just briefly



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

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

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

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

21 CHAIRMAN FORTUNA: They are admitted  
22 without objection.

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

1                   into evidence.)

2                   MR. PINELLI: Thank you.

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

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

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

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

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

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

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

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

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

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

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

9 (Witness sworn.)

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

13 You may proceed.

14 OSCAR ORTEGA

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

17 EXAMINATION

18 BY MR. MARCONI:

19 Q Good morning, Mr. Ortega.

20 A Good morning.

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

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

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

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

5           Q     Are you a Paramedic?

6           A     I am.

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

9           A     Yes, I was.

10          Q     You know Beth Mazor, correct?

11          A     Correct, I do.

12          Q     Was she your partner on that day?

13          A     Yes, she was.

14          Q     Was she your regular partner?

15          A     No, she was not my regular partner.

16          Q     I realize this was over four years ago.

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

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

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

1 Mazor?

2 A Yes, I do.

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

6 A Correct.

7 Q Who was driving?

8 A That would be me, sir.

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

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

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

21 A Correct.

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

1           A     Yes, they were.

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

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

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

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

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

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

17          Q     Did you try to help her?

18          A     Of course I did.

19          Q     How did you try to help her?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

5 A Possibly, correct.

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

9 A Correct.

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

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

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

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

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

20 EXAMINATION

21 BY MR. PINELLI:

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

24 This is again Vince Pinelli attorney for the

1 Pension Fund. Can you hear me?

2 A Yes, I can hear you.

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

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

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

12 A Yes, that is accurate to say.

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

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

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

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

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

8 Q Okay.

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

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

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

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

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

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

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

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

12                   CHAIRMAN FORTUNA: Any questions?

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

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

24                   I know I wasn't far from the hospital

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

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

9 CHAIRMAN FORTUNA: Trustees, any other  
10 questions?

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

13 CHAIRMAN FORTUNA: Please go.

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

21 CHAIRMAN FORTUNA: Elizabeth Mazor.

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

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

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

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

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

19 CHAIRMAN FORTUNA: Trustees, any other  
20 questions?

21 MEMBER MCPHILLIPS: No questions.

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

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

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

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

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

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

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

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

18 MR. ORTEGA: Thank you.

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

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

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

3 MR. PINELLI: Fine. Sure.

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

8 (Witness sworn.)

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

11 SCOTT MAZOR

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

14 EXAMINATION

15 BY MR. MARCONI:

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

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

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

23 BY MR. MARCONI:

24 Q Are you related or do you know the



1 applicant Beth Mazor?

2 A Yes, that is my wife.

3 Q How long have you been married?

4 A Nine years.

5 Q What year did you get married?

6 A 2012.

7 Q Are you employed?

8 A Yes.

9 Q Where are you employed?

10 A Palos Heights Fire Protection District.

11 Q What is your occupation?

12 A I am a Lieutenant there.

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

15 A Correct.

16 Q How long have you been a firefighter?

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

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

23 A No, she worked for Buzz Ambulance.

24 Q Where were you guys living when you got

1 married?

2 A Tinley Park.

3 Q Do you have children with Beth?

4 A Yes, two.

5 Q What are their ages?

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

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

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

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

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

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

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

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

23 A Yes.

24 Q Did you get a notification from her or

1 anyone while you were at work?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           Q     Why Florida?

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

6           Q     Did you have the children with you?

7           A     Yes, both of them.

8           Q     Anything unusual happen during this trip?

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

14          Q     Did she have notes around her?

15          A     There were a few notes to the children.

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

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

24          Q     Is that basically an involuntarily

1       commitment?

2           A     Yes, for a minimum of three days.

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

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

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

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

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

18          A     That's correct.

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

21          A     Yes.

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

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

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

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

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

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

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

17 Q Would that have been earlier?

18 A Yeah.

19 Q Like in February, I think?

20 A I believe so yes.

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

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

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

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

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

10 A Yes.

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

14 A Yeah.

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

17 A Yes.

18 Q For how long, do you remember?

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

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

24 A Correct.



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

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

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

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

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

18          A     She remained there until insurance ran  
19 out.

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

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

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

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

6 A Correct.

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

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

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

15 A Correct.

16 Q Did you ever meet this person?

17 A Yes, once or twice.

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

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

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

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

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

6           A     Yes.

7           Q     Did you have any help with the kids?

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

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

17          A     Sounds about right.

18          Q     Were you involved in that at all?

19          A     No.

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

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

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

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

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

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

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

22 A Correct.

23 Q Was she admitted inpatient then at Palos?

24 A Yes.

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

3 A Yeah. After her stay, yes.

4 Q What was the plan after that?

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

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

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

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

15 A For a period of time.

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

22 A No. No.

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

1 any type of prescription drugs?

2 A No.

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

5 A No.

6 Q So what happens on July 7th?

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

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

14 A No. No. No.

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

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

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

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

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

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

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

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

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

19 A I believe so, yes.

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

22 A No.

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

1           A     Yes.

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

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

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

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

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

13          A     Yes.

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

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

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

21          A     Yes.

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



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

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

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

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

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

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

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

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

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

17 A There are, yes.

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

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

24 Q Does she seem to be doing better lately?

1           A     Yes.

2           Q     And, again, I know that there is these  
3 records from this Amy Shanahan in the exhibits.  
4 Did you ever meet Amy Shanahan?

5           A     No.

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

8           A     Yes, I did.

9           Q     Did that seem to help Beth a lot?

10          A     It did.

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

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

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

17          A     Yes.

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

20          A     Yes, she still sees him.

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

23          A     Yes, at a minimum once a week.

24          Q     In your opinion from what you could

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

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

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

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

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

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

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

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

6 MEMBER MCPHILLIPS: I have no questions.

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

9 MR. PINELLI: Okay, thank you.

10 EXAMINATION

11 BY MR. PINELLI:

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

15 A Okay.

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

17 A Yes.

18 Q How long did you know Beth before 2012?

19 A About a couple of a years.

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

22 A Dating.

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

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

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

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

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

8           MR. MAZOR: Okay.

9           CHAIRMAN FORTUNA: Trustees, any  
10    questions?

11          MEMBER MCPHILLIPS: No questions.

12          CHAIRMAN FORTUNA: No questions, Vince.

13          MR. PINELLI: Thank you.

14          Counsel, next witness.

15          MR. MARCONI: I call Beth Mazor.

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

18          MR. MAZOR: Thank you.

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

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

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

1 you want to sit in here.

2 He is going to take the service dog.

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

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

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

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

20 (Witness sworn.)

21 ELIZABETH MAZOR

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

24 EXAMINATION

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BY MR. MARCONI:

Q Ms. Mazor, how old are you?

A I just turned 41.

Q Just briefly, what is your education?

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

Q Military service?

A Yes, I was in the Army.

Q What did you do in the Army?

A I was a parachute rigger. A 92 Romeo.

Q Did you get hurt?

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

Q Were you honorably discharged?

A Yes, I was.

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

A Yes.

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

A I had other experience prior.

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



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

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

9           A     Yes. It is all I know.

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

13          A     Yes. About then, yes.

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

16          A     Correct.

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

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

24          Q     What is a PIC?

1           A     Paramedic in Charge.

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

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

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

11          A     Yes, sir.

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

14          A     Correct.

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

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

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

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

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

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

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

24 Then he pulled my head over by his face

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

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

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

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

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

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

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

1 security guards to hold him down.

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

4 A That was my last day.

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

7 A No.

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

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

13 A Yes, sir.

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

16 A Yes, sir.

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

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

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

1           A     That is correct.

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

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

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

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

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

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

3 Q So you were released, correct?

4 A Yes.

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

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

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

14 A That is correct.

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

17 A I love Dr. Hoover.

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

20 A Yes.

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

24 A No, sir.

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

3           A     No.

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

5           A     It was very new.

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

11          A     Yes.

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

14          A     Yes, sir.

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

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



1 Q Then Scott came in?

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

4 Q You were admitted again; is that correct?

5 A Correct.

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

8 A Yes.

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

11 A Yes. Once I got released, yeah.

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

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

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

23 A That is Rosecrance does.

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

1 was a good fit; is that correct?

2 A Correct.

3 Q Did you seek out other treatment?

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

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

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

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

22 A I never made it to it.

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

1           A     Yes.

2           Q     How long did you remain there?

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

5           Q     Why was that?

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

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

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

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

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

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

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

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

11           Q     To whom?

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

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

19           A     Yes, it was the only time.

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

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

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

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

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

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

8 A That is correct.

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

12 A That is correct.

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

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

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

21 Are we okay?

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

24 BY MR. MARCONI:

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

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

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

10          A     I did. They were very helpful.

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

13          A     Yes, they were.

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

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

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

1 the MARC Division on my reasonable accomodation.

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

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

11 A Correct.

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

16 A That is correct.

17 Q Did you refuse?

18 A I refused.

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

22 A Yes, there is.

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

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

4 A There was nothing.

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

8 A Yes.

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

12 A I was.

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

16 A Yes.

17 Q Did they wait that full year of absence?

18 A Yes.

19 Q And they would not take you back?

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

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

23 A I did not make the one year.

24 Q That was not through your fault, that is



1 because the Department --

2 A Correct.

3 Q -- had let you the go?

4 A Correct.

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

9 A Yes.

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

14 A I have not.

15 Q But Dr. Sandhu; is that correct?

16 A That is correct.

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

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

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

24 A Correct.

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

5           A     That is correct.

6           Q     What did she do?

7           A     EMDR.

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

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

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

13          A     That is it.

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

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

1 that event.

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

7 A Yes.

8 Q Did that form of treatment seem to help?

9 A Yes. The EMDR was very beneficial.

10 Q Are you currently doing that right now?

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

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

21 A Yes, it was very good progress.

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

1           A     That is correct.

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

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

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

8           A     Yes.

9           Q     How frequently do you see Heather Cody?

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

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

22          A     Correct.

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

1           A     Yes.    Correct.

2           Q     That is the fear of the unknown?

3           A     Yes.

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

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

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

17          A     Yes.

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

20          A     Yes.

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

23          A     That is correct.

24          Q     Did you go through a criminal trial where

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

3 A Yes.

4 Q And went through it, correct?

5 A Yes.

6 Q And were cross examined?

7 A Yes.

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

11 A They were very supportive.

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

14 MR. PINELLI: Okay. Mr. President?

15 CHAIRMAN FORTUNA: Trustees, any  
16 questions?

17 MEMBER MCPHILLIPS: No questions.

18 CHAIRMAN FORTUNA: Hearing none, Vince.

19 EXAMINATION

20 BY MR. PINELLI:

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

22 A Sure.

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

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

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

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

8 A I believe so.

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

11 A Yes, sir.

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

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

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

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

1 I'm sorry, were you still talking?

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

5 A Yes, sir.

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

9 A Yes, sir. Correct.

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

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

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



1 opportunity. Being a paramedic is all I know.  
2 It's my passion. And I could not walk away from  
3 the job without trying. So I went back to an old  
4 job to try to rehab to see if I could do it and I  
5 found out that I couldn't and that is when I put  
6 the application in.

7 Q So you are referring to your job at the  
8 Steger Estates Fire Department or District?

9 A Yes, sir.

10 Q And then you also worked at Navy Pier  
11 part-time, too?

12 A That is correct.

13 Q And you're saying that you did both of  
14 those to try to get your skills and your work back  
15 to see if you could do full-time paramedic work?  
16 Is that why you did those jobs?

17 A Yes. I could not have walked away from  
18 my career by the City telling me that I couldn't  
19 come back to work. This is all I know.

20 Q Why did you leave those positions, those  
21 two positions?

22 A The anniversary came up in January. The  
23 anniversary has always been rough. It always comes  
24 with an increase in my PTSD symptoms. When that

1 anniversary came about, that is when I -- I just --  
2 I was not ready to come back.

3 Q Okay. Now were the job duties as  
4 paramedic that you did for those two jobs similar  
5 to what you do in your paramedic job with the City?

6 A When I worked at the Navy Pier, I was an  
7 EMT. I was a lower level of care. Very quiet,  
8 especially during the winter, because it is  
9 shutdown for the most part.

10 Steger Estates I was a paramedic. They  
11 are a very, very small, maybe a mile or two  
12 district, and we run very few calls a year. We  
13 don't have the workload that Chicago has.

14 Q And the grievance you filed with the  
15 City, that is -- the grievance part is over. It is  
16 now pending an arbitration hearing; is that  
17 correct?

18 A I don't know too much about the process  
19 but I believe that is.

20 Q Have you been told anything about when  
21 that might happen?

22 A No.

23 Q Okay. It sounds like from your testimony  
24 that your symptoms related to the PTSD have gotten

1 better from right after the incident. Would you  
2 agree with that?

3 A From right after the incident, yes.

4 Q And are you currently working?

5 A No, sir.

6 Q What is the last job that you had worked?

7 A Steger Estates in -- was it '19? 2020  
8 was coronavirus.

9 Q You mentioned this attempt --

10 CHAIRMAN FORTUNA: Vince, I have a  
11 question, please.

12 MR. PINELLI: Sure.

13 CHAIRMAN FORTUNA: Do you currently have  
14 a paramedic license?

15 MS. MAZOR: I do.

16 CHAIRMAN FORTUNA: Okay. Thank you.

17 BY MR. PINELLI:

18 Q You mentioned that attempt for the  
19 accommodation and I didn't understand what you said  
20 about the five year requirement for the program.  
21 Could you just explain to me what that requirement  
22 is and how close you were to having it?

23 A There is a list of a few requirements to  
24 enter into like the MARC Division. I believe you

1 had to possibly be A PIC. You had to have five  
2 years on-the-job and you had to have the Lead  
3 Instructor or some sort of background in teaching.  
4 And at the time I was maybe approximately three  
5 years on the job.

6 Q Three years as -- on the job total versus  
7 three years as a PIC?

8 A Correct. Three years in total.

9 MR. PINELLI: Okay. Thank you, that is  
10 all the questions I have at this time.

11 CHAIRMAN FORTUNA: Trustees, any  
12 questions?

13 MEMBER MCPHILLIPS: No questions.

14 CHAIRMAN FORTUNA: Hearing none, Vince.

15 MEMBER TEBBENS: I have one question.  
16 The status change from duty to non-duty you said  
17 that was so you could seek treatment out of state;  
18 is that correct?

19 MS. MAZOR: That is correct. Chief of  
20 Medical made me sign to go non-duty out-of-pocket  
21 so that I could leave the state for adequate  
22 treatment.

23 MEMBER TEBBENS: And you are claiming the  
24 statement was made that you would be returned to

1 duty status when you would return?

2 MS. MAZOR: That is correct. There was  
3 even paperwork on it.

4 MEMBER TEBBENS: You have documentation  
5 to support that and conversations?

6 MS. MAZOR: Yes, sir.

7 MR. MARCONI: It is in your exhibits. I  
8 did see that I think in the Medical Section notes.

9 MEMBER TEBBENS: Okay.

10 MR. PINELLI: Any other questions?

11 CHAIRMAN FORTUNA: No more questions.

12 MR. PINELLI: Jerry, no rehabilitation?  
13 Can we move to the doctor?

14 MR. MARCONI: Yes, sir.

15 MR. PINELLI: Then you rest your case at  
16 this point?

17 MR. MARCONI: I do.

18 MR. PINELLI: Then I would call Dr. Samo  
19 to testify. Doctor, could you raise your right  
20 hand?

21 (Witness sworn.)

22 DANIEL SAMO, M.D.

23 a witness herein, having been first duly sworn, was  
24 examined and testified as follows:

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EXAMINATION

BY MR. PINELLI:

Q Sir, state your name for the record.

A Daniel Samo.

Q You're a physician; is that correct?

A Yes.

Q Do you perform a function as a consultant to this fund?

A Yes.

Q In that capacity do you review medical records, examine applicants and report to the Board?

A Yes.

Q Did you follow that procedure with respect to Ms. Mazor?

A Yes.

Q Did you file a written report with the Board that is marked as Board Exhibit Number 2?

A Yes.

Q Doctor, first of all, before you wrote your report, was Ms. Mazor sent for an independent medical exam?

A Yes.

Q And by whom was she sent?

1           A     By the Board.

2           Q     And who did she see?

3           A     She saw Dr. Stevan Weine.

4           Q     Are you familiar with Dr. Weine and his  
5     qualifications?

6           A     Yes.

7           Q     Just generally, what are his main  
8     qualifications to do this IME?

9           A     Well, Dr. Weine is a psychiatrist at  
10    NorthShore. He is very much involved in trauma,  
11    PTSD, stress. He's known worldwide. He travels to  
12    war zones to work with victims of trauma and war  
13    trauma and rape and all those sorts of things. He  
14    does research in this area. He is highly, highly  
15    qualified in this area.

16          Q     Did he issue a written report to the  
17    Board that is marked as Board Exhibit Number 3?

18          A     Yes.

19          Q     Can you briefly -- because I know it is a  
20    long report, but could you summarize your  
21    understanding of what his findings were after he  
22    did his IME?

23          A     He found that, I will just go to his  
24    diagnoses, that she had major depression which was

1 resolved. She had opioid use and that was also  
2 resolved. She had ADHD and that is from childhood.  
3 She had PTSD which was still present but improved  
4 but really thought she had more stress related  
5 symptoms of hypervigilance and avoidance.

6 And he felt basically that she would not  
7 be able to perform as a paramedic in the fire  
8 department.

9 Q Did he do an in-person examination of  
10 her?

11 A Yes.

12 Q Now after you received that report, then  
13 did you do your own examination of her?

14 A Yes.

15 Q And your report is also marked as Board  
16 Exhibit Number 2; is that correct?

17 A Correct.

18 Q Doctor, with respect to your findings,  
19 did you agree or disagree with Dr. Weine's  
20 findings?

21 A I agreed. I thought that the review of  
22 records was similar to mine and findings were  
23 similar to mine and I also was of the opinion that  
24 she would not be able to function as a paramedic.



1           Q     Your exam of her was on August the 6th of  
2     2019 per the report?

3           A     Yes.

4           Q     At that time was she manifesting any  
5     symptoms that you -- or reporting any symptoms to  
6     you that were consistent with that diagnosis and  
7     treatment?

8           A     Oh, yes. She had multiple symptoms.  
9     Depression, anxiety, hypervigilance, flashbacks,  
10    nightmares, the whole litany of PTSD symptoms.

11          Q     Now did you also prior to today's date  
12    review some additional records that were provided  
13    to the board, Board's Exhibits 18, 19 and 20, of  
14    more current treatment of her since the time you  
15    had examined her?

16          A     Yes.

17          Q     And what did those records indicate to  
18    you at all about her condition as it existed after  
19    the time you examined her?

20          A     As she stated, her therapy, the eye  
21    movement technique, really seemed to help her  
22    significantly. Her symptoms had improved a lot.  
23    However, she still was having a significant amount  
24    of symptomatology. Although she was improved, she

1 was still having a lot of problems.

2 The last visit with the psychiatrist was  
3 January 11th of '21 and from Ms. Cody on February  
4 17th.

5 Ms. Cody had also done a PTSD checklist.  
6 It is called a PCL-5. She scored 33 on that. The  
7 cutoff for where they say it is probable PTSD on  
8 this test is between 31 and 33. So still having a  
9 significant number of symptoms.

10 MR. PINELLI: Thank you, doctor, that is  
11 all the questions I have at this time.

12 CHAIRMAN FORTUNA: Trustees, any  
13 questions for the doctor?

14 MEMBER MCPHILLIPS: No questions.

15 MR. PINELLI: Mr. Marconi, any questions  
16 for the doctor?

17 MR. MARCONI: Just a couple.

18 EXAMINATION

19 BY MR. MARCONI:

20 Q Dr. Samo, it sounds like we share the  
21 same opinion of Dr. Weine. But in addition to what  
22 Vince brought out, and I think it is through INSPE,  
23 Dr. Weine does evaluate a lot of police officers  
24 and firefighters for claims of PTSD, correct?

1           A     Yes.

2           Q     This isn't like new for him in terms of  
3 coming and submitting a report to a pension board?  
4 He does a lot of pension work?

5           A     He does a lot of pension work. Again,  
6 mostly -- it is all psychiatric and a lot of that  
7 is PTSD.

8           Q     I was looking in the exhibit. I think  
9 his CV is about 32 pages long. So he's eminently  
10 qualified worldwide to give opinions about PTSD?

11          A     Yes.

12           MR. MARCONI: Thank you.

13           MR. PINELLI: No further questions on  
14 that.

15           CHAIRMAN FORTUNA: Thank you.

16           MR. PINELLI: The applicant having rested  
17 and that being the conclusion of evidence in this  
18 matter at this time.

19           MEMBER MURPHY: Mr. President, I'd like  
20 to make a motion to go into executive session  
21 pursuant to Sections 2(c)4 and 2(c)11 of the Open  
22 Meetings Act.

23           MEMBER MCPHILLIPS: I will second that  
24 motion.

1                   CHAIRMAN FORTUNA:  There is a motion by  
2  Trustee Murphy, seconded by Trustee McPhillips, to  
3  go into executive session.

4                   Trustee Murphy.

5                   MEMBER MURPHY:  Yes.

6                   CHAIRMAN FORTUNA:  Trustee Holt.

7                   MEMBER NANCE-HOLT:  Yes.

8                   CHAIRMAN FORTUNA:  Trustee  
9  Conyears-Ervin.

10                  MEMBER CONYEARS-ERVIN:  Yes.

11                  CHAIRMAN FORTUNA:  Trustee Soni.

12                  MEMBER SONI:  Yes.

13                  CHAIRMAN FORTUNA:  Trustee McPhillips.

14                  MEMBER MCPHILLIPS:  Yes.

15                  CHAIRMAN FORTUNA:  Trustee Tebbens.

16                  MEMBER TEBBENS:  Yes.

17                  CHAIRMAN FORTUNA:  Trustee Valencia.

18                  MEMBER VALENCIA:  Yes.

19                  CHAIRMAN FORTUNA:  And I am a yes.

20                  Motion carries.

21                  (Whereupon, the Board went into  
22                  executive session off the record.

23                  No action was taken in Executive

24                  Session.)

1 MEMBER MURPHY: Mr. President, based on  
2 the recent evidence and testimony, I would like to  
3 make a motion to defer until next month.

4 MEMBER MCPHILLIPS: Second.

5 CHAIRMAN FORTUNA: There is a motion to  
6 defer by Trustee Murphy. Seconded by Trustee  
7 McPhillips.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 It is moved until next month. It is

1 deferred.

2 MR. PINELLI: Mr. Marconi and Ms. Mazor,  
3 the record is closed as you know. The Board has  
4 decided since there is a lot of material here to  
5 defer the matter, review everything, and then they  
6 would vote at the next board meeting, which would  
7 be our May meeting date, the third Wednesday of the  
8 month. Okay?

9 MR. MARCONI: Okay.

10 CHAIRMAN FORTUNA: Thank you.

11 MR. MARCONI: Thank you.

12 MEMBER MURPHY: I'd like to move on to  
13 Item 5, Approval of the Board Physician Reviews for  
14 the Disability Recipients. I'd like to approve the  
15 Board physician's recommendations for reviews.

16 MEMBER MCPHILLIPS: Second.

17 CHAIRMAN FORTUNA: There is a motion by  
18 Trustee Murphy. Second by Trustee McPhillips.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee

24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.

2 CHAIRMAN FORTUNA: Trustee Soni.

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Trustee McPhillips.

5 MEMBER MCPHILLIPS: Yes.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: Trustee Valencia.

9 MEMBER VALENCIA: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Moving on to Item 6, the  
13 Investments. I would like to turn this over to  
14 Lorna, who will walk us through the Investment  
15 Agenda.

16 MEMBER SONI: I have to leave, I  
17 apologize. I just wanted to let the Board know.  
18 Thank you.

19 MEMBER MURPHY: Very good.

20 MS. BOECKMAN: Thank you, Trustee Soni.

21 MS. SCOTT: Given the time, I am going to  
22 keep my investment update somewhat short. There  
23 are four items on the Agenda.

24 The first item is the Investment Report,

1 that primarily covers performance. Very briefly,  
2 year-to-date the Fund is up 3.8 percent. It is  
3 ahead of its benchmark by 0.3 percent. It is a  
4 really good start to the year.

5 Brady will be doing his quarterly review  
6 next month so I will leave the performance  
7 discussion until then.

8 The next item on the Agenda is the  
9 Security Lending Report and again that report is  
10 there for your review. Generally no concerns. We  
11 are diversified across a number of borrowers and we  
12 have received the appropriate level of collateral.  
13 Again, no issues with securities lending.

14 The third item is the Investment  
15 Consultant Search. As a reminder, we issued a RFP  
16 back in January for an Investment Consultant and  
17 that was really due to the expiration of Callan's  
18 consulting contract.

19 We had six firms respond. Those firms  
20 were Callan Investment Performance Services,  
21 Marquette, Meketa, NEPC and Verus. None of these  
22 firms are qualified MWDBE firms.

23 The goal today is to narrow those six  
24 responses to three finalists and those finalists



1 would present at an Investment Committee meeting in  
2 May. That meeting will probably last two to three  
3 hours and it will be scheduled before the board  
4 meeting.

5 Looking at the finalists, I have shared  
6 my views. I have shared notes on these firms. In  
7 summary, I could work with all of these firms and  
8 all of these firms would provide a solid level of  
9 investment consulting advice and client services to  
10 the Fund.

11 Based on my observation of how trustees  
12 have worked and interacted with the consultant in  
13 the past, at this first level of review I really  
14 focused on the consultant's Chicago presence, their  
15 experience with Illinois clients, their progress  
16 toward MWDBE and their workforce and the level of  
17 fees that they are charging.

18 So the firms that rise to the top, based  
19 on this criteria, are Callan, Marquette and Meketa.

20 So with that, I am looking for a motion  
21 to bring these three firms forward, unless there is  
22 any questions.

23 CHAIRMAN FORTUNA: Is there a motion?

24 MEMBER MCPHILLIPS: I will make that

1 motion.

2 MEMBER NANCE-HOLT: Second.

3 CHAIRMAN FORTUNA: Motion by Trustee

4 McPhillips. Seconded by Trustee Holt.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Holt.

8 MEMBER NANCE-HOLT: Yes.

9 CHAIRMAN FORTUNA: Trustee

10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee McPhillips.

13 MEMBER MCPHILLIPS: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: Trustee Valencia.

17 MEMBER VALENCIA: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MS. SCOTT: One more item is our cash

21 needs. Marc, if you want to share your screen and

22 I will turn it over to Jackie to layout our cash

23 position.

24 MS. VLAHOS: As we can see for our cash

1 needs as of April 20, 2021, we currently have a  
2 balance of \$164 million in our Chase account.

3 Basically, that is due to we have this  
4 other source of funding coming that the City has  
5 contributed to us in order to makeup the difference  
6 of the City tax receipts so they don't have to have  
7 the taxes as high.

8 We received both, two distributions, for  
9 the other sources of income from them of  
10 \$61 million in the last couple of weeks bringing us  
11 to \$164 million.

12 We anticipate one more salary  
13 contribution by the end of the month of  
14 \$1.8 million bringing us to total cash available of  
15 \$166 million.

16 Our benefits this month are slightly  
17 higher. I'd say about \$5 million higher than  
18 normal because we are anticipating paying out the  
19 Retros. We have \$36 million in benefit payments  
20 and then with our Refunds or Death Benefits  
21 bringing us to a total that we will payout at the  
22 end of April of \$38.2 million.

23 After we make our payments, we will be  
24 left with a surplus at the end of April of

1 \$127.8 million in our Chase.

2 Normally we invest in Fidelity, but right  
3 now, with discussions with the City, we're leaving  
4 it in a Chase vehicle right now because they are  
5 getting 5 basis points versus Fidelity right now is  
6 only returning 1 basis point on our money.

7 If you go to the next page for our cash  
8 flows, as you can see, as we already anticipated,  
9 due to the higher employer contributions, we should  
10 have no drawdowns for the remainder of 2021 or 2022  
11 as long as we get the tax receipts in like we  
12 anticipate in that first column where it says  
13 "Average Tax Receipts".

14 As you can see towards the bottom, the  
15 average tax receipts, we have a total of  
16 \$139.9 million remaining to be collected. And I  
17 think for the total year we are supposed to receive  
18 I think around \$372 million. We currently have  
19 received 62 percent of what we are due from the  
20 City which is a really great number.

21 If anyone has any questions, I am trying  
22 to keep it short for you.

23 I think Lorna might discuss a little bit  
24 more about taking a little bit of that money that

1 we have and maybe investing it somewhere else to  
2 get a little bit higher of a return.

3 MS. SCOTT: On the rebalancing template,  
4 this first column shows our allocation as of April  
5 19th. At the very bottom of the first column, you  
6 can see we have \$800 thousand of cash at Northern.

7 Jackie had said she has a balance of  
8 \$127 million after April payments.

9 So on the template, what I am proposing  
10 doing, if we transfer \$30 million over from Chase  
11 and we will keep \$15 million in the Northern STIFF  
12 Fund, which gives us a slight overweight to cash  
13 but still within our target. Then we will transfer  
14 \$15 million to the Earnest Short Duration Fund.  
15 And this transfer would then true-up our fixed  
16 income exposure. It keeps our cash liquid. So the  
17 cash will be there to make benefit payments towards  
18 the end of the year.

19 If we look at the last column, the  
20 variance, this compares our asset allocation versus  
21 where we would be after the transfer. You can see  
22 within equities, we will be slightly overweight but  
23 above target in public equities, but that is offset  
24 by an underweight or under target in private equity

1 so in line around the equities.

2 Then you can see we are under target in  
3 real assets and liquid diversifying but broadly  
4 across the asset allocation. After this we are  
5 still going to be within our asset allocation  
6 ranges.

7 If there are no questions, I would be  
8 looking for a motion to investment \$15 million with  
9 Earnest in their Short Fund.

10 MEMBER MCPHILLIPS: I will make the  
11 motion.

12 MEMBER MURPHY: Second.

13 CHAIRMAN FORTUNA: There's a motion to  
14 accept by Trustee McPhillips. Seconded by Trustee  
15 Murphy.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Holt.

19 MEMBER NANCE-HOLT: Yes.

20 CHAIRMAN FORTUNA: Trustee

21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee McPhillips.

24 MEMBER MCPHILLIPS: Yes.

1 CHAIRMAN FORTUNA: Trustee Tebbens.

2 MEMBER TEBBENS: Yes.

3 CHAIRMAN FORTUNA: Trustee Valencia.

4 MEMBER VALENCIA: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MS. SCOTT: That concludes the Investment  
8 Report.

9 CHAIRMAN FORTUNA: Thank you, very much.

10 MEMBER MURPHY: Moving on to  
11 Expenditures. Administrative Expenses for Board  
12 Review. I'd like to make a motion to approve as  
13 presented.

14 MEMBER MCPHILLIPS: Second.

15 CHAIRMAN FORTUNA: There is a motion to  
16 approve by Trustee Murphy. Seconded by Trustee  
17 McPhillips.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Holt.

21 MEMBER NANCE-HOLT: Yes.

22 CHAIRMAN FORTUNA: Trustee  
23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Mr. President, moving on  
10 to Legislative Updates. Sarah, would you please  
11 proceed?

12 MS. BOECKMAN: Absolutely. Thank you.

13 Good morning, everyone, or rather good  
14 afternoon.

15 For the legislative update, you do have  
16 the report from your lobbyist Brandon Phelps  
17 included in your board portal.

18 I did speak with Brandon this morning.  
19 He said nothing is really moving at this point. It  
20 is the deadline for the third reading on all bills  
21 today. He also indicated that Budget negotiations  
22 have started so there seems to be a little bit of a  
23 shift to discussing the upcoming Budget.

24 He said he would continue to update us.



1 I will let you know if anything starts to move off  
2 of that list that was provided in his report but as  
3 of right now he doesn't see anything moving.

4 That is all, unless anyone has any  
5 questions I am happy to report back to Brandon.

6 MEMBER TEBBENS: I have a question. Do  
7 we have an impact statement on the cost of House  
8 Bill 2451? Do we know what the cost is on that?

9 MS. BOECKMAN: We did not prepare an  
10 impact statement, Trustee Tebbens. We don't  
11 normally do that, unless there is a specific  
12 request from a legislator or a group and then we  
13 obviously review the cost of preparing that report  
14 and whether or not it is prudent and whether or not  
15 we need to come back to the Board and get approval  
16 to do so, but we have not done a cost impact study  
17 at this point.

18 MEMBER TEBBENS: We will ultimately be  
19 able to determine that cost based on an annual  
20 calculation based on an ARC formula, aren't we?

21 MS. BOECKMAN: Correct, yes.

22 MEMBER TEBBENS: When would we have that  
23 information, based on the natural occurrence of  
24 when that ARC calculation is calculated?

1 MS. BOECKMAN: It would be my  
2 understanding that would be something that the  
3 actuaries are looking at as part of their report  
4 right now. The actuaries are working right now,  
5 along with your auditors, to prepare numbers that  
6 they need to get over to the City so that the City  
7 can determine what its required contribution is for  
8 the prior year and then the go-forward year.

9 I would anticipate that the actuaries are  
10 looking at that cost as we speak. I can confirm  
11 with them but it would be included as part of their  
12 analysis.

13 MEMBER TEBBENS: Within their normal  
14 course of calculating it, would they be able to  
15 identify that piece for us so we know specifically  
16 what that piece cost is?

17 TRUSTEE MCPHILLIPS: I think we better  
18 ask.

19 MS. BOECKMAN: I don't think that is  
20 something they normally would do, Trustee Tebbens.  
21 It is going to be a final number but I can go to  
22 them and ask if that is something that they can  
23 segregate so the Board is aware of what that is.

24 MEMBER TEBBENS: I would like that

1 segregated. If we needed a motion to effectuate  
2 that, I would like that, but I think it's important  
3 that we have that segregated.

4 MS. BOECKMAN: Right now I don't think  
5 there is any motion necessary. If for some reason  
6 they indicate that it would be an added cost, which  
7 I don't anticipate, but if there is an added cost I  
8 will let you know and if we need to get further  
9 Board approval to move forward but I don't  
10 anticipate that being the case.

11 MEMBER TEBBENS: Again, you would  
12 anticipate that this normally would be done -- we  
13 would have an answer to that question about when?

14 MS. BOECKMAN: They are working on the  
15 report right now so they can get numbers over to  
16 the City. They normally do preliminary numbers  
17 mid-May. Those numbers then being finalized at the  
18 end of May, early June. So I would anticipate it  
19 would be consistent with that timeline.

20 I can ask them if this is something that  
21 they can kind of push a little bit earlier but that  
22 is the normal timeline for them preparing their  
23 report and getting those numbers to the City.

24 MEMBER TEBBENS: Okay. If it is just

1 through their normal course, if they could juggle  
2 that around as one piece before the other piece,  
3 and it doesn't interfere with their normal  
4 operation, that would be great. June is what  
5 you're saying is what you anticipate?

6 MS. BOECKMAN: It is but I will ask them.

7 MEMBER TEBBENS: Very good. Thank you, I  
8 appreciate it.

9 MS. BOECKMAN: Absolutely.

10 MEMBER MURPHY: Legal update.

11 MS. BURNS: There is nothing new. This  
12 is a good thing that there are no cases. No cases  
13 other than the Underwood case still pending.

14 Thank you, sir, but nothing new to  
15 report.

16 MEMBER MURPHY: Moving on to Item 10, the  
17 Interim Executive Director's Report, Sarah.

18 MS. BOECKMAN: Thank you. I just have a  
19 few things to report today.

20 The first is in relation to the May  
21 meeting. Unfortunately, there are several  
22 scheduling conflicts amongst Trustees for the  
23 current scheduled May meeting.

24 I will be contacting you with some dates

1 to confirm rescheduling that meeting. If you could  
2 be on an alert for an email from me in the next  
3 week, I would appreciate that.

4 The second item is with respect to a  
5 Callan education opportunity. Lorna sent me some  
6 materials. It is included in Boardvantage. It  
7 takes place July 19th through 21st.

8 You can attend virtually so this is a  
9 good opportunity, to the extent it interests  
10 Trustees, to meet your eight hours of fiduciary  
11 training that you are required to accomplish on an  
12 annual basis.

13 If you have any questions, please don't  
14 hesitate to reach out to me or Lorna with respect  
15 to them and we can help get you registered.

16 Next is with respect to the Benefit  
17 Analyst position. As you will recall, as part of  
18 your Budget that you approved earlier this year,  
19 you included a new position for Benefit Analyst.

20 One of the reasons is Liz, who has been  
21 here for 25 plus years and does an amazing job, she  
22 will be retiring in the next year.

23 So Steve thought it was prudent and the  
24 Board agreed and I agreed to get someone in to

1 start training with Liz. Michelle also helps with  
2 benefits but it is on a part-time basis. So it's  
3 important that you get someone new in who can start  
4 getting the institutional knowledge that Liz and  
5 Michelle maintain.

6 So that individual has been identified by  
7 the internal search committee. If Trustees have  
8 questions about the individual, they can come to  
9 me. We are going to keep it confidential right now  
10 because he has tentatively accepted.

11 I can tell you that the salary range is  
12 consistent with what you approved in your Budget,  
13 but he has not yet formally signed the offer letter  
14 that we're going to be presenting to him later  
15 today.

16 If you have questions, please don't  
17 hesitate to reach out. My hope is that we can  
18 introduce this individual to the Board at the May  
19 meeting just very briefly and we're excited to have  
20 this individual be part of the team.

21 The last item before we move to discuss  
22 the Executive Director's search is in relation to  
23 the Fund's insurance policy and this is your  
24 General Business Owner umbrella policy.

1           I received a notification this week from  
2 your broker that the insurance company that  
3 provides you this coverage, which is Travelers,  
4 will not be renewing your coverage. So effective  
5 the end of June, you need to get a new insurance  
6 provider to provide you again General Business  
7 Owner and your umbrella insurance company.

8           The reason that they are not renewing  
9 this is because of the claim that was made last  
10 year, February of 2020, related to the litigation  
11 involving trustees. So because there was a claim  
12 made on the policy under that litigation, the  
13 carrier has declined to extend coverage after the  
14 expiration period.

15           So the broker is working right now in the  
16 marketplace to get other quotes. I will tell you  
17 that you currently pay with Travelers on an annual  
18 basis \$2,200 so I would expect that to go up a  
19 little bit as far as what quotes we will receive,  
20 but I will keep you updated. Again, this is mostly  
21 just to update you because I received notification  
22 this week.

23           So other than that, those four items,  
24 that is all I have to report. I will take any

1 questions that anyone might have.

2 If there are none, then I would recommend  
3 we move on to discuss the Executive Director's  
4 search, which I believe we will want a motion to go  
5 into executive session.

6 MS. BURNS: That would be a motion to go  
7 into closed session pursuant to Section 2(c)1 of  
8 the Open Meetings Act.

9 MEMBER MURPHY: Mr. President, hearing no  
10 questions, I'd like to make that motion.

11 MEMBER MCPHILLIPS: Second.

12 CHAIRMAN FORTUNA: There is a motion by  
13 Trustee Murphy. Seconded by Trustee McPhillips.

14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Holt.

17 MEMBER NANCE-HOLT: Yes.

18 CHAIRMAN FORTUNA: Trustee

19 Conyears-Ervin.

20 MEMBER CONYEARS-ERVIN: Yes.

21 CHAIRMAN FORTUNA: Trustee McPhillips.

22 MEMBER MCPHILLIPS: Yes.

23 CHAIRMAN FORTUNA: Trustee Tebbens.

24 MEMBER TEBBENS: Yes.



1 CHAIRMAN FORTUNA: Trustee Valencia.

2 MEMBER VALENCIA: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 We are in executive session.

6 (Whereupon, the Board went into  
7 executive session off the record.

8 No action was taken in Executive  
9 Session.)

10 MEMBER MURPHY: I'd like to move to any  
11 old business or new business.

12 CHAIRMAN FORTUNA: Is there any old  
13 business or new business? Hearing none.

14 MEMBER MCPHILLIPS: I make a motion to  
15 adjourn.

16 MEMBER MURPHY: Second.

17 CHAIRMAN FORTUNA: Motion to adjourn by  
18 Trustee McPhillips. Seconded by Trustee Murphy.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee

24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.  
2 CHAIRMAN FORTUNA: Trustee McPhillips.  
3 MEMBER MCPHILLIPS: Yes.  
4 CHAIRMAN FORTUNA: Trustee Tebbens.  
5 MEMBER TEBBENS: Yes.  
6 CHAIRMAN FORTUNA: Trustee Valencia.  
7 MEMBER VALENCIA: Yes.  
8 CHAIRMAN FORTUNA: And I am a yes.  
9 Thank you, everyone.  
10 We are adjourned.  
11  
12 (WHICH WERE ALL THE PROCEEDINGS  
13 IN THE ABOVE-ENTITLED MEETING  
14 AT THIS DATE AND TIME.)  
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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF DU PAGE )

DEBORAH TYRRELL, being a Certified Shorthand Reporter, on oath says that she is a court reporter doing business in the County of DuPage and State of Illinois, that she reported in shorthand the proceedings given at the taking of said cause and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid; and contains all the proceedings given at said cause.

Debbie Tyrrell  
DEBBIE TYRRELL, CSR  
License No. 084-001078

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BEFORE

THE RETIREMENT BOARD

FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF )  
SPECIAL MEETING )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the audio/video conference 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 April 28, 2021,  
commencing at the hour of 9:00 a.m.



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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.  
BY: MS. MARY PATRICIA BURNS  
MS. SARAH A. BOECKMAN

ALSO PRESENT:

SARAH A. BOECKMAN, Interim Executive Director  
MARC TORRES, IT Analyst

1 CHAIRMAN FORTUNA: We are going to  
2 convene this meeting at 9:00 on April 28th.

3 Please take the roll call.

4 MS. BURNS: Vice-President Valencia.

5 MEMBER VALENCIA: Here.

6 MS. BURNS: Trustee Tebbens.

7 MEMBER TEBBENS: Here.

8 MS. BURNS: Trustee Nance-Holt.

9 MEMBER NANCE-HOLT: Present.

10 MS. BURNS: Trustee Soni.

11 MEMBER SONI: Present.

12 MS. BURNS: Secretary Murphy.

13 MEMBER MURPHY: Here

14 MS. BURNS: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Here.

16 MS. BURNS: Madam Treasurer Trustee  
17 Conyears-Ervin.

18 (No response.)

19 President Fortuna.

20 CHAIRMAN FORTUNA: I am here.

21 MS. BURNS: Sir, you have a quorum.

22 CHAIRMAN FORTUNA: Thank you.

23 Pursuant to Public Act 101-0640 it allows  
24 this meeting to be conducted by audio and video

1 conference. The Act requires a roll call vote on  
2 each matter acted upon.

3 Further consistent with Public Act  
4 101-0640, for the record, I am physically present  
5 at the Fund's office, as is the Interim Executive  
6 Director. We are proceeding by video conference  
7 because we continue to believe that due to the  
8 pandemic it is prudent not to be physically present  
9 in the same space. We have posted notice of this  
10 Special Meeting in accordance with the Open  
11 Meetings Act and the meeting is being recorded. A  
12 transcript of the proceedings will be prepared and  
13 ultimately, after approval, will be made available  
14 on the Fund's website.

15 Consistent with Public Act 91-0715 and  
16 reasonable constraints determined by the Board of  
17 Trustees, at each regular meeting of the Board or  
18 its committees that is open to the public, members  
19 of the public may request a brief time to address  
20 the Board on relative matters within its  
21 jurisdiction.

22 Are there any requests from the public  
23 for comments this morning?

24 Okay, hearing none, we will be moving

1 forward.

2 So everyone certainly knows why this  
3 meeting is scheduled for today. What is on the  
4 agenda today is the matter that involves a  
5 personnel matter and I would be looking for a  
6 motion to go into closed session pursuant to  
7 Section 2(c)1 of the Open Meetings Act. Could I  
8 have a motion, please?

9 MEMBER MURPHY: I'd like to make that  
10 motion, Mr. President.

11 MEMBER VALENCIA: Second.

12 CHAIRMAN FORTUNA: Motion by Trustee  
13 Murphy. Seconded by Trustee Valencia.

14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Holt.

17 MEMBER NANCE-HOLT: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 (Whereupon, the Board went into  
5 executive session off the record.

6 No action was taken in Executive  
7 Session.

8 Trustee Conyears-Ervin joined the  
9 meeting during executive session.)

10 MEMBER MURPHY: Motion to adjourn.

11 MEMBER VALENCIA: Second.

12 CHAIRMAN FORTUNA: There is a motion to  
13 adjourn by Trustee Murphy. Seconded by Trustee  
14 Valencia. All in favor?

15 (Chorus of ayes.)

16

17 (WHICH WERE ALL THE PROCEEDINGS

18 IN THE ABOVE-ENTITLED MEETING

19 AT THIS DATE AND TIME.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF DU PAGE )  
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6 DEBORAH TYRRELL, being a Certified Shorthand  
7 Reporter, on oath says that she is a court reporter  
8 doing business in the County of DuPage and State of  
9 Illinois, that she reported in shorthand the  
10 proceedings given at the taking of said cause and  
11 that the foregoing is a true and correct transcript  
12 of her shorthand notes so taken as aforesaid; and  
13 contains all the proceedings given at said cause.  
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17 Debbie Tyrrell  
18 DEBBIE TYRRELL, CSR  
19 License No. 084-001078  
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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF )  
Investment Committee )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the audio/video meeting of the above-entitled  
matter, held at 20 South Clark Street, Suite 300,  
in the City of Chicago, County of Cook, State of  
Illinois, on May 14, 2021, commencing at the hour  
of 9:00 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

WILLIAM MURPHY, Secretary and Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

TIMOTHY McPHILLIPS, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

ALSO PRESENT:

LORI LUND, Deputy Director

LORNA SCOTT, Chief Investment Officer

JOHN CONNESS, Fund Accountant

MARC TORRES, IT Analyst

MARK MYSLINSKI, City Treasurer's Office

BRADY O'CONNELL, Callan



1                   MEMBER MCPHILLIPS: Good morning,  
2 everyone. This is Investment Chairman Tim  
3 McPhillips.

4                   I hereby convene this Investment  
5 Committee meeting for May 14, 2021.

6                   Lorna, would you mind taking a roll call?

7                   MS. SCOTT: Trustee McPhillips.

8                   MEMBER McPHILLIPS: Here.

9                   MS. SCOTT: Trustee Murphy.

10                  MEMBER MURPHY: Here.

11                  MS. SCOTT: Trustee Fortuna.

12                  MEMBER FORTUNA: Here.

13                  MEMBER MCPHILLIPS: Thank you. We have a  
14 quorum for today's meeting.

15                  Public Act 101-0640 allows this meeting  
16 to be conducted by audio and video conference. The  
17 Act requires a roll call vote be taken on each  
18 matter acted upon.

19                  We are proceeding by video and audio  
20 conference because we continue to believe that due  
21 to the pandemic it is prudent to not all be  
22 physically present in the same space. We have  
23 posted notice of this meeting in accordance with  
24 the Open Meetings Act and the meeting is being

1 recorded. A transcript of the proceedings will be  
2 prepared and ultimately, after approval, will be  
3 made available on the Fund's website.

4 Now I am going to turn things over to the  
5 to the Fund's Chief Investment Officer, Lorna, to  
6 proceed through our committee agenda.

7 One other thing I'd like to note, we  
8 typically have public comment at the beginning of  
9 the meeting. We are going to have it at the end of  
10 the meeting today.

11 Lorna, go ahead. Thank you.

12 MS. SCOTT: There are three items on the  
13 agenda. One is to hear the finalist presentations  
14 related to the investment consultant search that we  
15 launched in January.

16 Number two is to have Callan review its  
17 first quarter performance.

18 Number three is to review our May cash  
19 needs and rebalancing.

20 So as we start the first item on the  
21 agenda, I think we should go into Executive  
22 Session.

23 MEMBER MCPHILLIPS: Lorna, thank you.

24 Before we begin the presentations from

1 the investment consultant RFP finalists, I would  
2 like to make a motion to go into Executive Session  
3 pursuant to Section 2(c)7 to discuss specific  
4 investment contracts. Do I have a second on my  
5 motion?

6 MEMBER MURPHY: Second.

7 MEMBER MCPHILLIPS: Can you call the roll  
8 call on this, Lorna?

9 MS. SCOTT: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 MS. SCOTT: Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 MS. SCOTT: Trustee Fortuna.

14 MEMBER FORTUNA: Yes.

15 MEMBER MCPHILLIPS: Motion passes.

16 We will now proceed in closed session.

17 (Member Conyears-Ervin entered the  
18 meeting.)

19 The Board went into Executive Session  
20 off the record.

21 No action was taken in Executive  
22 Session.)

23 MEMBER MCPHILLIPS: We are out of  
24 Executive Session.

1 I'd like to thank the investment  
2 consultant finalists for their presentations.

3 At this time I would like to make a  
4 motion, based on the CIO's recommendation, that the  
5 committee recommends to the Board the approval of  
6 Callan as the Fund's investment consultant subject  
7 to successful contract negotiations. Is there a  
8 second?

9 MEMBER FORTUNA: Second.

10 MEMBER MCPHILLIPS: Seconded by President  
11 Fortuna.

12 Lorna, can we please have a roll call  
13 vote?

14 MS. SCOTT: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 MS. SCOTT: Trustee Conyears-Ervin

17 MEMBER CONYEARS-ERVIN: Yes.

18 MS. SCOTT: Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 MS. SCOTT: Trustee Fortuna.

21 MEMBER FORTUNA: Yes.

22 MEMBER MCPHILLIPS: The motion passes.

23 Lorna, I will now turn the agenda back  
24 over to you for Callan's Executive Summary on the

1 Q1 2021 results.

2 MS. SCOTT: Actually, I will turn it  
3 right over to Brady and ask Mark to share his  
4 screen with the Callan Executive Summary.

5 MR. O'CONNELL: Thank you.

6 I am going to ask that we move to the top  
7 of Page 5 and just talk about the broad capital  
8 market environment during the first quarter in the  
9 past year because it is remarkable for two reasons.

10 From a negative perspective, what we saw  
11 in the first quarter is a rise in interest rates so  
12 the yield on the 10-year treasury went from around  
13 0.9 to like 1.6 or 1.7.

14 When interest rates go up, the prices of  
15 bonds go down. If we look at the bars for the last  
16 quarter, the broad bond market is that Bloomberg  
17 Barclays aggregate was down 3.4 percent during the  
18 first quarter.

19 So as we digest the returns of your bond  
20 portfolio, the broader environment saw declines in  
21 that due to interest rates going up.

22 On the positive side, we saw equity  
23 assets continue to rally and in particular small  
24 cap. So we saw double digit returns from some of

1 the equity indices; the Russell 2000 and the  
2 Russell 1000 Value.

3 If you look at that one year column, the  
4 rebound in small cap was extraordinarily  
5 remarkable. And as we look at the one year numbers  
6 here through the course of this report, we need to  
7 make sure everyone understands that this particular  
8 one year time period started at the very bottom of  
9 kind of the Covid market crash so April 2020  
10 through the end of the first quarter of 2021. So  
11 we have rolled off the impact of that 30 percent  
12 equity market drop in this one year number so that  
13 is a reason to just be fairly cautious when getting  
14 too excited about the extraordinary returns that we  
15 see here. It is catching all of the rebound but  
16 none of the drop that we saw early in 2020.

17 So if we turn to the top of Page 7, so we  
18 will skip the next slide, it is the asset  
19 allocation that you're largely aware of. Focusing  
20 on results through the more recent time period, a  
21 fairly modest absolute and relative return during  
22 the first quarter of 2021. We did rank in the top  
23 quartile of this peer group up 3.76 with that  
24 passive index up 3.46.

1           The one year number really strong at  
2     41.6, and if we look towards the table at the  
3     bottom of this page, we will unpack the source of  
4     that excess return during the past 12 months.

5           So at the bottom, the table at the very  
6     bottom of this page, shows the attribution effect  
7     of the one year return.

8           Basically, what we try to do is take your  
9     actual return, compare it to the benchmark, and  
10    break down where outperformance or underperformance  
11    came from during the time period.

12          So you can see asset allocation was a net  
13    negative, so in this period of time where we had  
14    risky assets kind of going through the roof, we had  
15    to hold cash to pay benefits. Whenever you hold  
16    even a marginal amount of cash when equities are up  
17    50, 60, or 70 percent, that is going to create a  
18    drag. You do see holding cash cost us about a  
19    percent relative to the benchmark but the good news  
20    is it was offset by the positive manager effect.

21          If you look at domestic equity and fixed  
22    income under that manager effect column, you will  
23    see a positive impact of 3.54 and 3.18 percent.  
24    International equities also positive.

1           So in the first quarter of 2020, we  
2 lagged the benchmark by a wide horizon.

3           You may remember some of these  
4 discussions. Active management in that time period  
5 did not help us, but in the rebound that we have  
6 seen since the bottom of the Covid panic the active  
7 managers have come back.

8           Now if we turn to the next slide, you  
9 will see that this one year was strong but we still  
10 have a little ways to go.

11           I am focusing on the table at the upper  
12 left-hand side of this page where we show quarter  
13 by quarter how you have done from a total return  
14 standpoint relative to the index.

15           We did experience relative  
16 underperformance in the first quarter of 2020. We  
17 made some of that up in the second quarter. We  
18 made a lot of it up in the fourth quarter of 2020  
19 and then a little bit more recently.

20           But it is my expectation that these  
21 active managers will continue to show results and  
22 that hopefully we'll be able to more than make up  
23 for that drop in relative performance we saw in the  
24 first quarter of 2020.



1           If we can turn to Page 11, I will just  
2           make a few comments about some of the managers in  
3           your portfolio.

4           On Page 11, I will start with fixed  
5           income. I think it's just worth reminding the  
6           Investment Committee that the structure of the  
7           fixed income portfolio is such that you have a  
8           manager in two portfolios that are very high  
9           quality and lower risk in the Ernest Partners  
10          portfolio. They are complimented by Loomis and  
11          Western, who are more aggressive in the fixed  
12          income management. They will use things kind of  
13          outside of US treasuries. And when we look at one  
14          year results, those aggressive managers have pretty  
15          strong returns and fairly modest returns from  
16          Earnest Partners.

17          If we were having this discussion one  
18          year ago, it would be a much different picture.

19          And the Board and the Investment  
20          Committee have had discussions about the Loomis  
21          Sayles approach so they have done extraordinarily  
22          well in providing returns to the Fund over a very  
23          long period of time. But we know when there is a  
24          flight to quality, when there is panic, when people

1 buy treasuries, the risky bonds that this manager  
2 holds will underperform. We know this. We know  
3 that over long periods of time they do well but  
4 very short windows of time their results can lag  
5 the benchmark and lag peers.

6 So understanding that as we monitor the  
7 portfolio is important and I think this structure  
8 is good. It gives us the liquidity that we need to  
9 pay benefits but it also allows us to use these two  
10 skilled active managers to try to add value in an  
11 asset class that we think is robust for adding  
12 value.

13 Let's turn to Page 13, I will just make a  
14 few comments about some of the equity managers in  
15 the portfolio. Again, you know, the first slide I  
16 started with talked about how some of the asset  
17 classes for the year are showing extraordinary  
18 returns.

19 You can see here the one year column. I  
20 don't know that I have ever seen one year returns  
21 over 100 percent. This is really a unique period  
22 of time and it really causes the strong reflex in  
23 me to want to manage expectations going forward.

24 So Jackson Square, they had a down

1 quarter in the first quarter of this year, but if  
2 you look at that one year number up over 100  
3 percent. Well ahead of the Russell 2500 Growth  
4 Index, their benchmark, which was up almost 90  
5 percent.

6 As we think about the portfolio and the  
7 watchlist and changes we have to make into the  
8 future, it's important to point out Globeflex  
9 Capital, one of the watchlist managers, was up  
10 almost 12 and a half percent in the quarter and  
11 that return was well ahead of their benchmark  
12 almost by 10 percentage points. They still lagged  
13 and by significant margins during some of these  
14 trailing time periods, but really a strong rebound  
15 and I am hopeful that will continue.

16 Keeley Teton is one of the other managers  
17 on the watchlist and they exceeded the benchmark by  
18 a more modest margin during the first quarter, but  
19 have a really strong one year return. Rather than  
20 being performance driven, the concerns with Keeley  
21 Teton I think are more organizationally focused and  
22 Lorna and I continue to have discussions with them  
23 to make sure we stay on top of the developments at  
24 that firm.

1           The last couple of comments that I wanted  
2           to make related to the international equity  
3           portfolio so that is the bottom half of this page.

4           What we saw at the end of the fourth  
5           quarter of last year was a rebound in value  
6           oriented managers. Over the past couple of years  
7           we have had a lot of discussions about growth  
8           oriented companies. Think tech stocks, Amazon,  
9           doing extraordinarily well and value companies that  
10          tend to be financial services or energy or other  
11          things had lagged the broad market.

12          Lately we have seen value turn around and  
13          that is apparent when we look at the results of  
14          Brandes. Their returns for the quarter and the  
15          year are well ahead of their benchmark but you can  
16          see they are lagging over the long period of time.  
17          So we think as value continues to rebound, Brandes,  
18          with a very distinct value style, should continue  
19          to outperform.

20          There is a similar phenomenon with LSV,  
21          the Fund's dedicated emerging market manager. They  
22          had a good quarter but their value style has really  
23          been a bit of a headwind during the past three and  
24          five years.

1           We hope that as value cycles back into  
2 favor that both LSV and Brandes will continue to  
3 outperform.

4           Last two notes here, Brown Capital and  
5 Highclere now showing up. Those are two of the  
6 newer additions to the Fund lineup.

7           Some fairly modest results, some  
8 underperformance, from Brown Capital right out of  
9 the gate. We never like to see underperformance  
10 early in a relationship, but the returns that Brown  
11 Capital had were very strong so we knew that there  
12 is the possibility for moderation at some point.  
13 But we still believe that investors like you that  
14 have the long-term perspective that we need to stay  
15 patient and give them a decent amount of time to  
16 prove their strategy.

17           Then maybe we will just turn to Page 15  
18 and show the managers that are in kind of the real  
19 assets in other categories.

20           So we have got PIMCO here as the loan  
21 commodity manager and we did see a significant  
22 rebound in commodities as the prices of energy went  
23 up; oil and gas. We saw that result in fairly  
24 strong absolute returns for the index and for this

1 manager in particular.

2           When we look at the real estate  
3 portfolio, I think if we had the market values here  
4 it would hit home that the bulk of our real estate  
5 is now in core investments with CBRE and Principal.  
6 The Apollo/Citigroup investment was a closed end  
7 fund investment that was made 10 or 12 years ago.  
8 It is a very small amount, I think just over a  
9 million dollars, but it is a reminder of kind of  
10 how long bad private market investments can hang  
11 around. We do expect that to eventually liquidate  
12 and then the bulk of our investments will be in  
13 these more open end funds with CBRE and Principal.

14           I think I will leave it at that in terms  
15 of the prepared remarks. Happy to answer any  
16 questions that the committee may have.

17           MS. SCOTT: Just a quick question,  
18 looking ahead at the commodities index, given that  
19 negative 10-year return, can you see us staying  
20 invested in commodities from an asset allocation  
21 perspective?

22           MR. O'CONNELL: That is a good question  
23 and ties back I think to one of the discussions we  
24 had this time last year about that and I think

1       there are better real asset investment  
2       opportunities out there.

3                   I am hopeful that we continue to see a  
4       rebound in commodities and I would expect that if  
5       we can get a good rebound before we get out, that  
6       would be a good experience. Because I do think as  
7       we think about real assets, assets that respond to  
8       inflation, commodities have just been very volatile  
9       and a little narrow and there are better things out  
10      there that we will look at during that Asset  
11      Liability Study.

12                  MS. SCOTT: It was nice to have that nice  
13      pop more recently. But just thinking about it over  
14      the long-term, can we hang on to something like  
15      this.

16                  If there are no other questions, we can  
17      move right along. I think I will skip over the Q1  
18      manager universe charts, which is just where I  
19      graphed how many of our managers are top  
20      performing.

21                  As Brady has walked through, a lot of  
22      these managers you notice that peer ranking. These  
23      highlighted managers that are basically in the red.  
24      We have a lot in green in those charts and that is

1 good, but we also have red in those charts. But as  
2 he has already discussed a lot of them, I will skip  
3 my charts and we will go right to May cash needs.

4 I will turn it over to John, who is  
5 stepping in for Jackie.

6 MR. CONNESS: Good morning, everybody. I  
7 will keep this brief for everyone.

8 As you can see here on the statements, we  
9 currently have a balance of \$118 million sitting at  
10 Chase and we expect another \$1.85 million of salary  
11 contributions for a total availability of \$120.2  
12 million this month.

13 We have \$32 million in benefit checks  
14 that will be coming out, a few more retro checks as  
15 well, and that will take up the bulk majority of  
16 everything that will be paid out this month.

17 That brings our expenditures for the  
18 month to \$34.3 million and the net change we will  
19 have \$85.9 million in the bank at the end of the  
20 month.

21 However, in a positive note, we just in  
22 the last couple of hours received \$6 million in  
23 real estate taxes deposited into our account so  
24 that number we can actually raise to \$91.8 million.



1           Now this money is sitting at Chase  
2           earning 5 basis points and that is earning far more  
3           than what it was at Fidelity at 1 basis point.

4           So with that we can go to the cash flow  
5           projections. Thank you, Mark. Looking at this you  
6           can see still with the ARC funding moving right  
7           along, there are no needs for any draw downs in the  
8           coming months or really at all in the future  
9           projections.

10           So far with the addition of today's real  
11           estate deposits, we have 64 percent of our expected  
12           contributions in, that is \$238 million, and we are  
13           far ahead of where we normally are this time of  
14           year so that has been great to see.

15           Unless anyone has any questions, that  
16           will wrap it up.

17           MS. SCOTT: Let's move to the rebalancing  
18           template. And, no, we don't have to raise any cash  
19           but I think it is worth checking in just to look at  
20           our asset allocation.

21           So if we look at the first column, which  
22           shows where we are as of May 10th, scroll all the  
23           way down to the bottom, you can see we have cash at  
24           Northern of \$16.2 million. John said we have about

1     \$91.8 million in cash at Chase, that is about three  
2     months of benefit payments. We are going to leave  
3     that cash there and not transfer anything over to  
4     Northern.

5             But looking at this template, we can  
6     check-in, like I said on our asset allocation, by  
7     looking at the last column, the variance, that  
8     compares where we are versus the target.

9             So looking at equities, you can see what  
10    is in public equities, we are over target and that  
11    is offset by being under target in private. Within  
12    equities, we are very, very close to target.

13            Scrolling on down, you can see real  
14    assets, we are slightly off target. We are  
15    underweight and we're also underweight liquid  
16    diversifying with an overweight to cash.

17            At the end of the day, we are very, very  
18    close to target and we are within range so that is  
19    a checkmark on our asset allocation review.

20            I think with that, we have covered our  
21    investment related items on the agenda. I will  
22    turn it back.

23            MEMBER MCPHILLIPS: Thank you, Lorna.

24            Moving onto public comments, consistent

1 with Public Act 91-0715 and reasonable constraints  
2 determined by the Board of Trustees, at each  
3 regular meeting of the Board or its committees that  
4 is open to the public, members of the public may  
5 request a brief time to address the Board on  
6 relevant matters within its jurisdiction.

7 Historically, we have limited this to two  
8 minutes, but if there are any members of the public  
9 that would like to address the Board, now is the  
10 time to do it.

11 Mark, do you have anyone that wants to  
12 address the Board?

13 MR. TORRES: If they do, they can unmute  
14 themselves, but it looks like we may not. We have  
15 two members of the public or three members of the  
16 public, but they are able to unmute themselves, if  
17 they wish.

18 MEMBER MCPHILLIPS: Hearing none, we are  
19 going to move on. Is there a motion to adjourn  
20 today's meeting?

21 MEMBER MURPHY: I'd like to make that  
22 motion.

23 MEMBER MCPHILLIPS: Do I have a second?

24 MEMBER FORTUNA: Second.

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MEMBER MCPHILLIPS: All in favor?

(Chorus of ayes.)

MEMBER MCPHILLIPS: Opposed?

(No nays.)

MEMBER MCPHILLIPS: The Investment  
Committee is now adjourned.

(WHICH WERE ALL THE PROCEEDINGS  
IN THE ABOVE-ENTITLED MEETING  
AT THIS DATE AND TIME.)

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF DU PAGE )  
4  
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6 DEBORAH TYRRELL, being a Certified Shorthand  
7 Reporter, on oath says that she is a court reporter  
8 doing business in the County of DuPage and State of  
9 Illinois, that she reported in shorthand the  
10 proceedings given at the taking of said cause and  
11 that the foregoing is a true and correct transcript  
12 of her shorthand notes so taken as aforesaid; and  
13 contains all the proceedings given at said cause.  
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17 Debbie Tyrrell  
18 DEBBIE TYRRELL, CSR  
19 License No. 084-001078  
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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF                                 )  
MEETING NO. 1086                                 )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the audio/video conference 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 May 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

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MR. VINCENT PINELLI

MS. MARY PATRICIA BURNS

ALSO PRESENT:

SARAH BOECKMAN, Interim Executive Director

LORI LUND, Deputy Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

MARC TORRES, IT Analyst

MARK MYSLINSKI, City Treasurer's Office

MICHAEL I. PETERS, M.D., Board Physician

1 CHAIRMAN FORTUNA: Please call the roll.

2 MS. BOECKMAN: I am happy to do it.

3 President Fortuna.

4 CHAIRMAN FORTUNA: Here.

5 MS. BOECKMAN: Trustee Tebbens.

6 MEMBER TEBBENS: Here.

7 MS. BOECKMAN: Commissioner Nance-Holt.

8 MEMBER NANCE-HOLT: Present.

9 MS. BOECKMAN: Congratulations, ma'am.

10 MEMBER NANCE-HOLT: Thank you.

11 MS. BOECKMAN: Trustee Murphy.

12 MEMBER MURPHY: Here.

13 MS. BOECKMAN: Trustee Soni.

14 MEMBER SONI: Here.

15 MS. BOECKMAN: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Here.

17 CHAIRMAN FORTUNA: We have a quorum.

18 Before I go into my comments this  
19 morning, I'd like to just to say congratulations to  
20 Commissioner Nance-Holt. It was a very historic  
21 appointment and I know you're going to do a great  
22 job as Commissioner so congratulations.

23 MEMBER NANCE-HOLT: Thank you, President

24 Fortuna. I appreciate the support. Thank you.

1                   CHAIRMAN FORTUNA:   Public Act 101-0640  
2                   allows this meeting to be conducted by audio and  
3                   video conference.   The Act requires a roll call  
4                   vote on each matter acted upon.

5                   Further consistent with Public Act  
6                   101-0640, for the record I am physically present at  
7                   the Fund's office as is the Interim Executive  
8                   Director.   The Board Secretary is not in attendance  
9                   today.   He is the video.   We have posted notice of  
10                  this meeting in accordance with the Open Meetings  
11                  Act and the meeting is being recorded.   A  
12                  transcript of the proceedings will be prepared and  
13                  ultimately, after approval, will be made available  
14                  on the Fund's website.

15                  Consistent with Public Act 91-0715 and  
16                  reasonable constraints determined by the Board of  
17                  Trustees, at each regular meeting of the Board or  
18                  its committees that is open to the public, members  
19                  of the public may request a brief time to address  
20                  the Board on relevant matters within its  
21                  jurisdiction.

22                  Are there any requests for public comment  
23                  today?

24                  Trustee Murphy, hearing none, please move

1 on.

2 MEMBER MURPHY: First, we would like to  
3 turn to the Approval of Administrative Items.

4 Approval of Minutes. Regular Audio  
5 Meeting April 23, 2021 open and closed minutes.

6 We have the Regular Audio Meeting  
7 transcript of April 23, 2021.

8 Regular Audio Meeting April 28, 2021 and  
9 open and closed minutes and the Regular Audio  
10 Meeting transcript of April 28, 2021.

11 I would like to make a motion to approve  
12 the open minutes, the audio transcript, and the  
13 closed session for the April 23rd and the April 28,  
14 2021 meetings and to keep those the closed session  
15 minutes closed on the recommendation of counsel.

16 MEMBER SONI: Second.

17 CHAIRMAN FORTUNA: Thank you. There is  
18 as a motion by Trustee Murphy. Seconded by Trustee  
19 Soni. Any discussion?

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Holt.

23 MEMBER NANCE-HOLT: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 MEMBER MURPHY: Moving to the next item  
9 Minimum Formula Annuities. I'd like to make a  
10 motion to approve the Minimum Formula Annuities  
11 starting with Member 14808 and ending with Member  
12 16084.

13 I'd like to note that Commissioner Ford  
14 is in this group and I'd like to congratulate him  
15 on his retirement.

16 MEMBER NANCE-HOLT: Second.

17 CHAIRMAN FORTUNA: There is a motion to  
18 approve by Trustee Murphy. Seconded by Trustee  
19 Holt.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Holt.

23 MEMBER NANCE-HOLT: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.



1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 MEMBER MURPHY: Moving on to Item C,  
9 Survivor Annuities and Widow's Annuities. I'd like  
10 to make a motion to approve the Widow Annuities  
11 starting with Member 07772 through Member 08954.

12

13 MEMBER TEBBENS: Second.

14 CHAIRMAN FORTUNA: There is a motion by  
15 Trustee Murphy. Seconded by Trustee Tebbens.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Holt.

19 MEMBER NANCE-HOLT: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee McPhillips.

23 MEMBER MCPHILLIPS: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: Moving to Item D,  
5 Refunds. I'd like to make a motion to approve the  
6 Refunds for Member 16652 through 18582.

7 MEMBER MCPHILLIPS: Second.

8 CHAIRMAN FORTUNA: Motion by Trustee  
9 Murphy. Seconded by Trustee McPhillips.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 MEMBER MURPHY: Moving on to Item E,  
23 Death Benefits. I'd like to make a motion to  
24 approve the Death Benefits for Member 07772 through

1 Member 08954.

2 MEMBER NANCE-HOLT: Second.

3 CHAIRMAN FORTUNA: There was a motion by  
4 Trustee Murphy. Seconded by Trustee Holt.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Holt.

8 MEMBER NANCE-HOLT: Yes.

9 CHAIRMAN FORTUNA: Trustee Soni.

10 MEMBER SONI: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Moving on to Item F,  
18 Partial Payments. I would like to make a motion to  
19 approve the Partial Payments beginning with Member  
20 06102 and continuing through Member 07937.

21 MEMBER TEBBENS: Second.

22 CHAIRMAN FORTUNA: There is a motion by  
23 Trustee Murphy. Seconded by Trustee Tebbens.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: 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: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Moving on to Item G,  
13 Benefit Recalculations. Included in the board  
14 materials is an addendum setting forth the various  
15 cost of living adjustments to 3 percent pursuant to  
16 Public Act 101-0673.

17 Based on the Staff's representation that  
18 the matters set forth in the addendum are accurate  
19 and complete, I would like to make a motion to  
20 approve an adjustment in the annuities for those  
21 members listed on the addendum.

22 MEMBER SONI: Second.

23 CHAIRMAN FORTUNA: There is a motion by  
24 Trustee Murphy. Second by Trustee Soni.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Holt.

4 MEMBER NANCE-HOLT: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: Moving to Item H,

14 Requests for Permission. Guardianship and Reside

15 Out of State.

16 There are two guardianship matters.

17 Staff confirms that the appropriate documentation

18 is on file for each of these matters. I make a

19 motion to approve guardianship relating to Members

20 06393 and 08954.

21 MEMBER MCPHILLIPS: Second.

22 CHAIRMAN FORTUNA: There is a motion by

23 Trustee Murphy. Seconded by Trustee McPhillips.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: 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: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: There are also two

13 Requests to Reside Out of State for Members 15563

14 and 16293. I'd like to make a motion to approve

15 those.

16 MEMBER NANCE-HOLT: Second.

17 CHAIRMAN FORTUNA: Motion to approve by

18 Trustee Murphy. Seconded by Trustee Holt.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1           CHAIRMAN FORTUNA:  Trustee McPhillips.  
2           MEMBER MCPHILLIPS:  Yes.  
3           CHAIRMAN FORTUNA:  Trustee Tebbens.  
4           MEMBER TEBBENS:  Yes.  
5           CHAIRMAN FORTUNA:  And I am a yes.  
6           Motion carries.  
7           MEMBER MURPHY:  Moving on to Item I,  
8           Removals.  I'd like to make a motion to approve  
9           Removals starting with William Janisch and ending  
10          with Carol Patzin.  
11          MEMBER TEBBENS:  Second.  
12          CHAIRMAN FORTUNA:  There is a motion to  
13          remove by Trustee Murphy.  Seconded by Trustee  
14          Tebbens.  
15          Trustee Murphy.  
16          MEMBER MURPHY:  Yes.  
17          CHAIRMAN FORTUNA:  Trustee Holt.  
18          MEMBER NANCE-HOLT:  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: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Moving on to Item 3,  
4 Request for Approval of payments Pursuant to  
5 Administrative and Court Orders.

6 I would like to make a motion to approve  
7 the Administrative and Court Orders listed in the  
8 docket for Members 011807, 013834, 016652, 010426  
9 and 013815 be approved.

10 MEMBER MCPHILLIPS: Second.

11 CHAIRMAN FORTUNA: There is a motion by  
12 Trustee Murphy. Seconded by Trustee McPhillips.

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Holt.

16 MEMBER NANCE-HOLT: 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: I would like to move to  
2                   Item 4, which is the approval of the disability  
3                   applications.

4                   MR. PINELLI: Good morning, Mr.  
5                   Secretary. Good morning, Members of the Board. I  
6                   believe we are ready to proceed. Is Mr. Kampwirth  
7                   on the line?

8                   MR. KAMPWIRTH: Yes.

9                   MR. PINELLI: Firefighter Kampwirth, good  
10                  morning, sir.

11                  MR. KAMPWIRTH: Good morning, sir.

12                  MR. PINELLI: Let the record reflect this  
13                  is a hearing on the application for an Ordinary  
14                  Disability benefit being made by Firefighter EMT  
15                  John Kampwirth.

16                  Good morning, sir. I am one of the  
17                  attorneys for the Pension Fund. I will be  
18                  conducting this hearing for the record.

19                  I'd like to advise you of some  
20                  preliminary matters before we start evidence.

21                  First of all, I believe from what I have  
22                  heard so far, I think there are six trustees  
23                  currently present in the meeting to hear the  
24                  evidence on your application. If you don't know

1 you should know that you need the yes vote of at  
2 least five of the six trustees in order to receive  
3 this benefit. Do you understand that?

4 MR. KAMPWIRTH: Yes.

5 MR. PINELLI: In addition, the record  
6 indicates you do not have an attorney representing  
7 you. Is it your desire to proceed today without an  
8 attorney?

9 MR. KAMPWIRTH: Yes.

10 MR. PINELLI: Lastly, it is the  
11 applicant's burden of proof to present sufficient  
12 evidence to the Board in order for the Board to  
13 grant the benefit you are seeking. Do you  
14 understand it is your burden of proof?

15 MR. KAMPWIRTH: Yes.

16 MR. PINELLI: By way of procedures, I am  
17 going to start by asking you some questions under  
18 oath. The board members may or may not have  
19 questions of you. Then I will call one of the  
20 Fund's physician consultants to testify. If there  
21 is anything I don't ask him, please just let me  
22 know and you will be given that opportunity. Do  
23 you understand the procedures?

24 MR. KAMPWIRTH: Yes.

1 MR. PINELLI: Very well then, we are  
2 ready to proceed. Could I have Mr. Kampwirth as  
3 well as Dr. Peters both raise your right hands?

4 (Witness sworn.)

5 JOHN KAMPWIRTH, JR.

6 a witness herein, having been first duly sworn, was  
7 examined and testified as follows:

8 EXAMINATION

9 BY MR. PINELLI:

10 Q Mr. Kampwirth, please state your name and  
11 spell your last name for the record.

12 A John Kampwirth, Jr. K-a-m-p-w-i-r-t-h.

13 Q Sir, what is your rank with the Fire  
14 Department?

15 A Firefighter EMT.

16 Q What was your last assignment before you  
17 went on layup?

18 A Engine 46.

19 Q Now you should have received a copy of  
20 what has been marked as Board Exhibits 1 through 11  
21 from the Fund staff. Did you receive those in  
22 advance of today's hearing?

23 A Yes.

24 Q Did you have an opportunity to review

1       them?

2               A     Yes.

3               Q     Do you have any objection to their  
4       introduction into the record in support of your  
5       application?

6               A     No.

7               MR. PINELLI:   Thank you.

8               Mr. Chairman, I move for admission of  
9       Board Exhibits 1 through 11 without objection from  
10      the applicant.

11              CHAIRMAN FORTUNA:   Admitted without  
12      objection.

13              MR. PINELLI:   Thank you.

14              (Board Exhibits 1 through 11  
15              were admitted into evidence.)

16      BY MR. PINELLI:

17              Q     Now, Mr. Kampwirth, when did you enter  
18      service with the Fire Department?

19              A     February 1, 2005.

20              Q     According to the records we have, it  
21      looks like you are currently experiencing some  
22      illnesses/injuries that are preventing you from  
23      performing your work; is that correct?

24              A     Yes.

1           Q     These issues look like they basically  
2 relate to your lower body; your legs, your feet,  
3 ankle and so forth; is that correct?

4           A     Yes.

5           Q     You recently had a surgery done October  
6 19th of 2020; is that correct?

7           A     Yes.

8           Q     Could you just describe for the board  
9 members currently what is your condition like as  
10 far as any limitations you have?

11          A     As of right now, since the surgery, I am  
12 still in a crawl walking boot. I have not put any  
13 weight on my foot without this boot on. I am  
14 starting to get around but I still can't put no  
15 weight without the boot. And between that time I  
16 fractured my right ankle from putting too much  
17 stress on that one from not being able to use my  
18 left ankle at all so I am still in a boot and I  
19 follow up with the doctor like every two weeks.

20          Q     Okay, very well. Since you went on layup  
21 for this condition, have you engaged in any  
22 activities by which you earn income?

23          A     No.

24               MR. PINELLI: Thank you, sir.

1                   That is all the questions I have of this  
2 witness.

3                   CHAIRMAN FORTUNA: Trustees, any  
4 questions?

5                   MEMBER MCPHILLIPS: No questions.

6                   MR. PINELLI: Then I would proceed to  
7 call Dr. Peters.

8   (Witness previously sworn.)

9                   MICHAEL I. PETERS, M.D.  
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?

15                   A     Michael I. Peters.

16                   Q     What is your occupation?

17                   A     I am a physician.

18                   Q     As a physician, do you perform a function  
19 as a consultant to this fund?

20                   A     Yes, I do.

21                   Q     Does Dr. Samo also perform the same  
22 function for this fund?

23                   A     Yes, he does.

24                   Q     And do the two of you while performing

1       this function review medical records, examine or  
2       interview applicants and report to the Board?

3             A       Yes, we do.

4             Q       Did Dr. Samo undertake the interview of  
5       Mr. Kampwirth?

6             A       Yes, he did.

7             Q       Did he file a written report with the  
8       Board that is marked as Board Exhibit Number 2?

9             A       Yes, he did.

10            Q       To your knowledge, Dr. Samo was not able  
11       to appear on today's hearing date; is that correct?

12            A       That is correct.

13            Q       As a result of that, did you take the  
14       opportunity to review both the medical records,  
15       Board exhibits, as well as Doctor Samo's report in  
16       this matter?

17            A       Yes, I did.

18            Q       From your review of those records and  
19       reports, did it appear that the testimony that Mr.  
20       Kampwirth gave here today was consistent with what  
21       is contained in those medical records?

22            A       Yes, his testimony is consistent with  
23       what is in the records.

24            Q       Doctor, could you please summarize for us

1        what Dr. Samo's findings were with respect to his  
2        condition and his ability to perform his functions  
3        with the fire department?

4            A        Firefighter Kampwirth suffers from  
5        peripheral venous insufficiency and a diagnosis of  
6        what is called a Charcoal Foot on the left side.  
7        And as a result of his progressive neurologic  
8        injury to that foot, he loses the ability to not  
9        only feel the foot but to know where the foot is in  
10       position in relation to his body. So that as he  
11       walks and puts weight on that foot, it causes very  
12       small amounts of trauma, that eventually lead to  
13       the destruction of the entire foot and ankle joint,  
14       which is what has occurred for him.

15                  He has had surgery for that but the  
16       surgery was not successful and he probably will  
17       require additional treatments.

18                  As he mentioned, he requires a rigid  
19       walking boot called a crawl boot specifically for  
20       this problem. He can't really put weight on it and  
21       as a result of that he sounds like he injured the  
22       other ankle as well, which is not unusual.

23                  Q        As a result of that condition or those  
24       conditions, would he be able to perform his



1 functions with the Fire Department?

2 A No, he would not.

3 MR. PINELLI: Thank you, doctor. That is  
4 all the questions I have.

5 CHAIRMAN FORTUNA: Trustees, any  
6 questions for Dr. Peters?

7 MEMBER MCPHILLIPS: No questions.

8 CHAIRMAN FORTUNA: Hearing none.

9 MEMBER MURPHY: I'd like to make a motion  
10 to grant the benefits requested by John Kampwirth,  
11 Firefighter, EMT.

12 MEMBER MCPHILLIPS: Second.

13 CHAIRMAN FORTUNA: There is a motion by  
14 Trustee Murphy. Seconded by Trustee McPhillips.  
15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Holt.

18 MEMBER NANCE-HOLT: 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: And I am a yes.

2 Motion carries.

3 Based on the Findings of Fact and  
4 Conclusions of Law made by the Trustees, the  
5 Trustees have voted to grant you the benefit you  
6 have requested.

7 You will be notified by mail of the  
8 Findings of Fact and the Board's decision.

9 MR. KAMPWIRTH: Thank you, very much.

10 MR. PINELLI: Mr. Chairman, I was just  
11 going to ask if there were additional motions for  
12 reexam and the regular course as well as to adopt  
13 the Findings of Fact.

14 MEMBER MURPHY: There are. I would like  
15 to make a motion for reexam consistent with the  
16 Board's policy.

17 MEMBER SONI: Second.

18 CHAIRMAN FORTUNA: There's a motion for  
19 reexam by Trustee Murphy. Seconded by Trustee  
20 Soni.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Holt.

24 MEMBER NANCE-HOLT: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Counsel has previously  
10 sent around proposed Findings of Fact and  
11 Conclusions of Law in this matter.

12 Having had a chance to review those, I  
13 would like to make a motion to adopt those Findings  
14 of Fact and Conclusions of Law in this matter.

15 MEMBER NANCE-HOLT: Second.

16 CHAIRMAN FORTUNA: Trustee Murphy makes  
17 that motion. Trustee Holt seconds.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Holt.

21 MEMBER NANCE-HOLT: Yes.

22 CHAIRMAN FORTUNA: Trustee Soni.

23 MEMBER SONI: Yes.

24 CHAIRMAN FORTUNA: Trustee McPhillips.

1 MEMBER MCPHILLIPS: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 That motion also carries.

6 MR. PINELLI: Thank you.

7 MR. KAMPWIRTH: Thank you, very much.

8 MEMBER MURPHY: Mr. President, we have  
9 PIC Sharisse Grassmuck from Ambulance 12 with a  
10 Duty Disability application.

11 MR. PINELLI: Is Ms. Grassmuck on the  
12 line?

13 MS. GRASSMUCK: Yes, I am here.

14 MR. PINELLI: You can hear me?

15 MS. GRASSMUCK: Yes.

16 MR. PINELLI: Very well, then we are  
17 ready to proceed.

18 Let the record reflect this is a hearing  
19 on the application for a Duty Disability benefit  
20 being made by Sharisse Grassmuck.

21 Good morning, Ms. Grassmuck. I am one of  
22 the attorneys for the Pension Fund. I will be  
23 conducting this hearing for the record. I'd like  
24 to advise you of some preliminary matters before we

1 start evidence.

2 First of all, there are six trustees  
3 currently in the meeting at this time to hear the  
4 evidence on your application. If you don't know  
5 you should know the Pension Code requires that you  
6 get the yes vote of at least five of the six  
7 trustees in order to receive this benefit. Do you  
8 understand that?

9 MS. GRASSMUCK: Yes, I do.

10 MR. PINELLI: Also, the record indicates  
11 that you do not have an attorney representing you.  
12 Is it your desire to proceed without an attorney?

13 MS. GRASSMUCK: Yes.

14 MR. PINELLI: Finally, it is the  
15 applicant's burden of proof to present sufficient  
16 evidence to the board in order for the Board to  
17 grant the benefit that the applicant is seeking.  
18 Do you understand it is your burden of proof?

19 MS. GRASSMUCK: Yes.

20 MR. PINELLI: By way of procedures, I am  
21 going to start by asking you some questions under  
22 oath. The board members may or may not have  
23 questions of you. Then I will call one of the  
24 Fund's physician consultants to testify. If there

1 is anything I don't ask him that you think is  
2 important for the Board to know, please let me know  
3 and you will be given that opportunity. Do you  
4 understand the process?

5 MS. GRASSMUCK: Yes, I do.

6 MR. PINELLI: Very well, then we are  
7 ready to proceed. I would ask if you would raise  
8 your right hand as well as Dr. Peters.

9 (Witness sworn.)

10 SHARISSE GRASSMUCK

11 a witness herein, having been first duly sworn, was  
12 examined and testified as follows:

13 EXAMINATION

14 BY MR. PINELLI:

15 Q Would you please state your name and  
16 spell your last name for the record?

17 A Sharisse Grassmuck. G-r-a-s-s-m-u-c-k.

18 Q What is your rank with the Fire  
19 Department?

20 A Paramedic in Charge.

21 Q What was your last assignment before you  
22 went on layup?

23 A Ambulance 12.

24 Q Now you should have been provided a copy

1 of the Board Exhibits that have been previously  
2 marked 1 through 12. Did you receive those before  
3 today's hearing?

4 A Yes, I did.

5 Q Did you have an opportunity to review  
6 them?

7 A Yes, I did.

8 Q Do you have any objection to their  
9 admission into the record in support of your  
10 application?

11 A No.

12 MR. PINELLI: Thank you.

13 Mr. President, I move for admission of  
14 Board Exhibits 1 through 12 without objection from  
15 the applicant.

16 CHAIRMAN FORTUNA: Admitted without  
17 objection.

18 MR. PINELLI: Thank you.

19 (Board Exhibits 1 through 12  
20 were admitted into evidence.)

21 BY MR. PINELLI:

22 Q Now, Ms. Grassmuck, I'd like to direct  
23 your attention to the date of April the 3rd of 2020  
24 and ask you if on that date you sustained any

1 injuries that are the basis of your application?

2 A Yes, I did.

3 Q Understanding the Board has the benefit  
4 of your written statement, nevertheless, could you  
5 please just briefly describe for us today where you  
6 were and what happened to you?

7 A I was in the back of the ambulance on  
8 April 3rd. We were transporting a senior citizen  
9 to the hospital when at some point somebody had  
10 walked in front of our ambulance and my partner had  
11 to slam on the brakes.

12 I was treating the patient and actually I  
13 was getting ready to seatbelt myself back in and  
14 the next thing I remember is feeling my neck break.

15 I had to slam on the wall to get my  
16 partner's attention to get him to stop and pull  
17 over because he was not able to see what happened.

18 At that point he pulled over and I made  
19 the decision just to continue with going over to  
20 Christ because we weren't that far away and I  
21 walked in with the patient and my partner.

22 Q Then were you examined there as well?

23 A Yes.

24 Q Now had you ever injured that part of



1 your body before?

2 A No.

3 Q Now it looks like from the medical  
4 records that you have undergone two surgeries for  
5 that particular area; is that correct?

6 A That is correct.

7 Q The initial surgery was on April 7th of  
8 2020?

9 A April 6, 2020.

10 Q Okay, thank you. As a result of that  
11 surgery, they did put some screws into your upper  
12 cervical neck area?

13 A They put one anterior screw into the  
14 odontoid process.

15 Q Following that surgery you attempted to  
16 rehabilitate to come back to work but were unable  
17 to; is that correct?

18 A Correct. And then the doctors at Christ  
19 refused to see me again after they did the surgery.

20 Q Okay. And then subsequently you had a  
21 second surgery. When did you have the second  
22 surgery?

23 A Second surgery was January 22nd, which  
24 added four more screws and some rods.

1           Q     Now can you briefly describe for the  
2 members what your condition is today with respect  
3 to limitations or any symptoms that you are  
4 experiencing?

5           A     I still have a lot of headaches. I have  
6 issues with balance, which yesterday I happened to  
7 fall and I broke my right ankle yesterday.

8                     So with that, I have only been out of the  
9 C-collar for about two or three weeks I think it's  
10 been. Like I said, I still have a lot of  
11 headaches. I still have a lot of pain. We're  
12 still in the middle or beginning stages of physical  
13 therapy again for the second surgery. I can only  
14 lift about 15 pounds. I am only able to do very  
15 light house chores. I can't do my grass. I have  
16 to pay someone to come and clean and change my cat  
17 boxes because I have pets. And I am only -- I  
18 can't drive far distances at this point in time  
19 because I cannot turn my head too well to the left  
20 and to the right. Range of motion is diminished.

21           Q     Okay. Since you went on layup, have you  
22 engaged in any activities by which you earn income?

23           A     No.

24           Q     Have you engaged in any sporting

1 activities?

2 A No.

3 Q I ask these questions of everyone just so  
4 you understand. Do you currently have any  
5 appointments scheduled with your doctor who has  
6 performed the second surgery?

7 A I have a followup in July.

8 MR. PINELLI: Okay, thank you, that is  
9 all the questions I have at this time.

10 CHAIRMAN FORTUNA: Trustees any  
11 questions?

12 MEMBER MCPHILLIPS: No questions.

13 MR. PINELLI: Hearing no questions, I  
14 will call Dr. Peters.

15 (Witness previously sworn.)

16 MICHAEL I. PETERS, M.D.

17 a witness herein, having been first duly sworn, was  
18 examined and testified as follows:

19 EXAMINATION

20 BY MR. PINELLI:

21 Q Sir, could you please state your name?

22 A Michael I. Peters.

23 Q You're a physician; is that correct?

24 A Yes.

1           Q     Do you perform a function as a consultant  
2 to this fund?

3           A     Yes, I do.

4           Q     In that capacity, do you review medical  
5 records, examine or interview applicants and report  
6 to the Board?

7           A     Yes.

8           Q     And in addition to yourself is that  
9 function also performed by Dr. Daniel Samo?

10          A     Yes.

11          Q     And with respect to this applicant was it  
12 Dr. Samo who interviewed her?

13          A     Yes, he did.

14          Q     Did he file a written report with the  
15 Board that is marked as Board Exhibit Number 2?

16          A     Yes.

17          Q     And was Dr. Samo unable to attend today's  
18 hearing?

19          A     That is correct.

20          Q     And because of that, did you undertake  
21 the interview of the Board Exhibits, the medical  
22 reports, as well as the report that he filed with  
23 the Board?

24          A     I reviewed all of the records, yes.

1           Q     Doctor, could you just summarize for us,  
2     if you would, what Ms. Grassmuck's current  
3     condition is?

4           A     Ms. Grassmuck has, as she explained,  
5     suffered a blunt head trauma while she was in the  
6     back of an ambulance that stopped suddenly and had  
7     a displaced C-2 odontoid fracture that was fixed.

8                     She had operative fixation of that three  
9     days later but there was nonfusion of that. The  
10    surgery didn't take. So she had a second surgery  
11    as she described and she still has symptoms related  
12    to her initial injury. Numbness, weakness,  
13    radicular, pain, headaches, limited range of motion  
14    for head turning, balance issues.

15          Q     Based on those conditions, do you believe  
16    she would be able to perform her duties with the  
17    Fire Department?

18          A     No.

19                   MR. PINELLI: Thank you, doctor, that is  
20    all the questions I have.

21                   CHAIRMAN FORTUNA: Trustees, any  
22    questions for Dr. Peters?

23                   MEMBER MCPHILLIPS: No questions.

24                   CHAIRMAN FORTUNA: Okay, thank you.

1                   MEMBER MURPHY: I'd like to make a motion  
2 to grant the Duty Disability benefits to Sharisse  
3 Grassmuck.

4                   MEMBER NANCE-HOLT: Second.

5                   CHAIRMAN FORTUNA: There is a motion to  
6 grant by Trustee Murphy. Seconded by Trustee  
7 Holt.

8                   Trustee Murphy.

9                   MEMBER MURPHY: Yes.

10                  CHAIRMAN FORTUNA: Trustee Holt.

11                  MEMBER NANCE-HOLT: 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, I'd like  
21 to make a motion for reexam consistent with the  
22 Board's policy.

23                  MEMBER TEBBENS: Second.

24                  CHAIRMAN FORTUNA: Motion for reexam by

1 Trustee Murphy. Seconded by Trustee Tebbens.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Holt.

5 MEMBER NANCE-HOLT: 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: Mr. President, Fund

15 counsel has previously sent around proposed

16 Findings of Fact and Conclusions of Law in this

17 matter. Having had a chance to review those, I a

18 motion to adopt those Findings of Fact and

19 Conclusions of Law.

20 MEMBER NANCE-HOLT: Second.

21 CHAIRMAN FORTUNA: Motion to adopt by

22 Trustee Murphy. Seconded by Trustee Holt.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Holt.

2 MEMBER NANCE-HOLT: 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: And I am a yes.

10 Motion carries.

11 Based on the Findings of Fact made by the  
12 Trustees, the Trustees have voted to grant the  
13 benefit that you have requested.

14 You will be notified by mail of the  
15 Findings of Fact and the Board's decision.

16 Thank you and good luck.

17 MS. GRASSMUCK: Thank you, very much.

18 MEMBER MURPHY: Next we have Courtney  
19 Avery, PIC.

20 MR. PINELLI: Is Ms. Avery on the line?

21 MR. MARCONI: She should be.

22 MR. PINELLI: That is Attorney Jerry  
23 Marconi. Good morning.

24 MR. MARCONI: Yes, sir. Good morning.



1 MS. AVERY: I am here. I had to unmute.

2 MR. PINELLI: Then everybody is present.  
3 We are ready to proceed.

4 Let the record reflect this is a hearing  
5 on the application for a Duty Disability benefit  
6 being made by Ms. Courtney Avery.

7 Ms. Avery is represented by counsel.  
8 Counsel, could you please identify yourself for the  
9 record?

10 MR. MARCONI: Jerry Marconi for the  
11 applicant.

12 MR. PINELLI: Before we start testimony,  
13 counsel, did you receive a copy of what's been  
14 marked as Board Exhibits 1 through 12?

15 MR. MARCONI: I did.

16 MR. PINELLI: Have you and Ms. Avery had  
17 the opportunity to review them?

18 MR. MARCONI: We have reviewed them. We  
19 have no objection to them going into evidence.

20 MR. PINELLI: Thank you, very much.

21 Mr. President, I would move for admission  
22 of Board's Exhibits 1 through 12 without objection  
23 from the applicant.

24 CHAIRMAN FORTUNA: Admitted without

1 objection.

2 (Board Exhibits 1 through 12 were  
3 admitted into evidence.)

4 MR. PINELLI: Thank you, very much.

5 Then we are ready to proceed. Counsel,  
6 do you wish to call any witnesses?

7 MR. MARCONI: Courtney Avery.

8 MR. PINELLI: Ms. Avery, could you please  
9 raise your right hand?

10 (Witness sworn.)

11 COURTNEY AVERY

12 a witness herein, having been first duly sworn, was  
13 examined and testified as follows:

14 EXAMINATION

15 BY MR. MARCONI:

16 Q Courtney, if you could just state your  
17 name for the record.

18 A Courtesy Marie Avery.

19 Q Are you currently employed by the Chicago  
20 Fire Department?

21 A I am.

22 Q In what capacity?

23 A Paramedic in Charge.

24 Q I am going to direct your attention to

1 the date of the incident, which is listed in your  
2 application as April 19, 2020. Where were you  
3 working that day?

4 A I was detailed out to Ambulance 23.

5 Q Do you remember which shift you were  
6 working?

7 A It would be third shift.

8 Q At some point did you get a call of a  
9 nonresponsive person?

10 A We did, yes.

11 Q Did you go to the scene of that call?

12 A I did go to the scene of that call. It  
13 was at a nursing home.

14 Q Was it an elderly male?

15 A It was a younger disabled male who was  
16 unresponsive.

17 Q Could you briefly explain to the Board  
18 what happened during that call?

19 A It was later in the morning. Probably I  
20 think around 10 or 11 a.m. We had gotten there.  
21 He had low blood pressure. We started treating him  
22 and we went to transfer him from a chair to a  
23 stretcher, that we put to the right-hand side of  
24 the chair that he was in.

1                   We transferred him and the chair had wood  
2 arms on it. I went to lift him up because I had  
3 the upper torso of him. My partner had the bottom  
4 torso of him.

5                   I went to lift him and he got caught on  
6 the arms of the wood chair and I had to lift him  
7 even higher and I already mid-twisted at that  
8 point. Because he had gotten stuck, I had to go  
9 even higher and put him down into the stretcher and  
10 that is when I felt a pop in my low back.

11                Q     What did that pop feel like in the lower  
12 back?

13                A     It felt like a stabbing knife.  
14 Electricity basically being shot up my whole left  
15 side.

16                Q     Did you feel any pain or discomfort after  
17 that?

18                A     Yes. It kept getting progressively  
19 worse. By the time we had gotten to Loretto  
20 Hospital with the patient and I went back out to  
21 the ambulance, I couldn't bend or lift at that  
22 point in time, without excruciating pain that took  
23 me to my knees.

24                Q     So you transported the patient to Loretto

1 Hospital; is that correct?

2 A Correct.

3 Q Did you seek any medical care at Loretto  
4 Hospital after you transported the patient?

5 A I did. I requested to be seen by the ER  
6 physician and I made it known to my Commander and  
7 also I had sent a text message to the Field Chief  
8 as well at the time that I was going to be seen.

9 Q Was that the last shift that you worked?

10 A Correct.

11 Q Who is Dr. Grove? You went to see a Dr.  
12 Grove I think the next day?

13 A I did because I had talked to CFD Medical  
14 and they were unable to get me in until at about  
15 four days later and I was in excruciating pain and  
16 experiencing drop foot and unable to get out of bed  
17 without assistance so I sought emergency pain  
18 management from him.

19 Q After Dr. Grove I think the Medical  
20 Division referred you to Dr. Fisher; is that  
21 correct?

22 A Correct.

23 Q There was a MRI performed; is that  
24 correct?

1           A     Correct.

2           Q     There were two tears or there was tears  
3     at two different levels according to the MRI; is  
4     that correct?

5           A     There was multiple tears at two different  
6     levels, including two disc herniations.

7           Q     Prior to this day did you have any  
8     problems with your back?

9           A     No.

10          Q     You did not stay with Dr. Fisher; is that  
11     correct?

12          A     No, I did seek a second opinion.

13          Q     That was Doctor Lim; is that correct?

14          A     Correct.

15          Q     And that was also through the Medical  
16     Section; is that correct?

17          A     Correct.

18          Q     Did you try conservative treatment first?  
19     Meaning, did you try to do some PT and some  
20     epidural steroid injections?

21          A     Yes, I did.

22          Q     Did that relieve the pain or was it able  
23     to return you back to work?

24          A     No.

1           Q     The records indicate then you had a  
2 surgery by Dr. Lin in late December of 2020; is  
3 that correct?

4           A     Correct.

5           Q     What was the nature of that surgery?

6           A     The nature of that surgery was to get  
7 some pain relief and decompression. They did a  
8 laminectomy, foraminotomy. They did also a  
9 microdiscectomy. There was also a complication  
10 because of the swelling that the nerve, because it  
11 had nowhere to go, started to have the veins in the  
12 L-5 space wrap around the nerve, which they then  
13 had to pull apart in surgery and detangle it.

14          Q     After your surgery did you go back and  
15 get some physical therapy?

16          A     I did, yes.

17          Q     Did that relieve the pain? Was that able  
18 to return you back to work?

19          A     No, it did not.

20          Q     Are you also seeing I think a Physician's  
21 Assistant Meeker?

22          A     Yes, after the surgery Dr. Lim had me  
23 seeing his PA Dr. Meeker.

24          Q     Dr. Meeker works with Doctor Lim; is that

1 correct?

2 A Correct.

3 Q You're still treating with -- I will say  
4 Dr. Meeker at least for now; is that correct?

5 A Correct.

6 Q What is the current plan?

7 A The current plan is now, because of all  
8 the inflammation, to do PT at home and Pilates at  
9 home as tolerated.

10 Q Is there a possible second surgery in the  
11 horizon?

12 A There is. After the last MRI, there was  
13 scar tissue that was impeding on the laminectomy  
14 and they want to wait a year and possibly do  
15 another surgery, if that doesn't correct or if some  
16 of the swelling doesn't go down.

17 Q When you say a year, are you talking  
18 about this December?

19 A Correct.

20 Q At this point it is just doing home  
21 exercises and hopefully time will be able to heal  
22 you; is that correct?

23 A Correct.

24 Q Are you currently on medications?



1           A     I am. I take Flexeril at night and I  
2 take Naproxen during the daytime.

3           MR. MARCONI: Vince, I don't have  
4 anything else.

5                               EXAMINATION

6                               BY MR. PINELLI:

7           Q     Thank you. I just have a few questions.

8                               Ms. Avery, first of all, you entered  
9 service with the Fire Department in 2018; is that  
10 correct?

11          A     Yes, sir.

12          Q     When you entered, what rank did you enter  
13 at?

14          A     I entered as a FPM.

15          Q     When did you achieve the rank of  
16 Paramedic in Charge?

17          A     During layup they had called me to take  
18 the promotion.

19          Q     So did you undergo some testing before  
20 you went on layup to achieve that rank?

21          A     There is no testing for PIC.

22          Q     Are your duties as a PIC similar to what  
23 you are required to do as a paramedic, though?

24          A     Yes, they are, including more.



1                   CHAIRMAN FORTUNA: Trustees any  
2 questions?

3                   MEMBER MCPHILLIPS: No questions.

4                   MR. PINELLI: Just let me ask, counsel,  
5 do you have any followup on that?

6                   MR. MARCONI: I do not, Vince.

7                   MR. PINELLI: Okay, thank you. Then do  
8 you rest at this time subject to the testimony of  
9 the doctor?

10                  MR. MARCONI: Yes.

11                  MR. PINELLI: Then I would call Dr.  
12 Peters to testify. I don't think I swore you in on  
13 this, so, doctor, could you please raise your right  
14 hand?

15   (Witness sworn.)

16                   MICHAEL I. PETERS, M.D.

17 a witness herein, having been first duly sworn, was  
18 examined and testified as follows:

19   EXAMINATION

20   BY MR. PINELLI:

21                   Q     Please, state your name.

22                   A     Michael I. Peters.

23                   Q     You are a physician; is that correct?

24                   A     Yes.

1           Q     Do you perform a function as a consultant  
2 to this fund?

3           A     Yes, I do.

4           Q     In that capacity, do you review medical  
5 records, examine or interview applicants and report  
6 to the Board?

7           A     Yes.

8           Q     Does Dr. Daniel Samo also perform that  
9 function for this fund?

10          A     Yes, he does.

11          Q     Was Dr. Samo the person who actually did  
12 the interview with Ms. Avery?

13          A     Yes, he was.

14          Q     Due to him being unavailable to attend  
15 today's meeting, did you undertake to review all  
16 the records, including the Board Exhibits and his  
17 written report to the Board?

18          A     Yes.

19          Q     Doctor, could you briefly summarize for  
20 us what Dr. Samo's findings were?

21          A     Yes. Ms. Avery, as she described,  
22 sustained a lumbar spine injury secondary to heavy  
23 lifting and underwent conservative therapy,  
24 including epidural steroid injections which made

1 her symptoms worse. She developed neurologic  
2 deficits, which she described, which was a foot  
3 drop, and underwent a hemilaminectomy and neural  
4 foraminectomies at L-4/5, which have not relieved  
5 her symptoms. She still has radiculopathy. She  
6 still has significant pain and she still has  
7 neurologic deficits in her feet.

8 Q I take it that with those conditions do  
9 you believe she could perform her functions with  
10 the Fire Department?

11 A No, I don't.

12 Q Doctor, just a quick question regarding  
13 she's very young, in her early 30's. Based upon  
14 your knowledge of this kind of surgery, what do you  
15 expect would be the next course of potential  
16 treatment, if any, to try to get her back to work?

17 A I would agree with the plan that she  
18 described that is in her record, which is she  
19 should initially undergo conservative treatment  
20 with physical therapy. It sounds like her personal  
21 decision is not to have additional injections  
22 because they did make her symptoms worse in the  
23 past and I think that is a reasonable decision.  
24 Whether or not she has to have a surgery again I

1 think that is based on how she responds to her  
2 therapy, which she really hasn't been able to start  
3 yet in a full effort.

4 Q It will have to wait farther down the  
5 line to see how she progresses with physical  
6 therapy and conservative treatment before any  
7 determination can be made as to what other  
8 treatments she could undergo?

9 A Yes. I think time and physical therapy  
10 are the key here and then a decision can be made.

11 MR. PINELLI: Thank you, doctor, that is  
12 all the questions I have.

13 CHAIRMAN FORTUNA: Trustees, any  
14 questions for Dr. Peters?

15 MEMBER MCPHILLIPS: No questions.

16 MR. PINELLI: Counsel, do you have any  
17 questions of the doctor at this time?

18 MR. MARCONI: No questions.

19 MR. PINELLI: Thank you. Then do you  
20 rest on behalf of the applicant?

21 MR. MARCONI: Yes, I do.

22 MR. PINELLI: Members of the Board, the  
23 record is complete in this matter at this time.

24 MEMBER MURPHY: Mr. President, I would

1 like to make a motion to grant Duty Disability  
2 benefits to Courtney Avery.

3 CHAIRMAN FORTUNA: There is a motion to  
4 grant by Trustee Murphy.

5 MEMBER MCPHILLIPS: Second.

6 CHAIRMAN FORTUNA: Second by Trustee  
7 McPhillips.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee  
13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Mr. President, I'd like  
24 to make a motion for reexam consistent with the

1 Board's policy.

2 MEMBER MCPHILLIPS: Second.

3 CHAIRMAN FORTUNA: There is a motion for  
4 reexam by Trustee Murphy. Seconded by Trustee  
5 McPhillips.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: Yes.

10 CHAIRMAN FORTUNA: Trustee  
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Fund counsel has  
22 previously sent around proposed Findings of Fact  
23 and Conclusions of Law in this matter. Having had  
24 a chance to review those, I'd like to make a motion



1 to adopt the Findings of Fact and Conclusions of  
2 Law in this matter.

3 MEMBER NANCE-HOLT: Second.

4 CHAIRMAN FORTUNA: There's a motion to  
5 adopt the Findings of Fact by Trustee Murphy.

6 Seconded by Trustee Holt.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 Ms. Avery, based on the Findings of Fact  
23 made by the Trustees, the Trustees have voted to  
24 grant you the benefit that you have requested.

1                   You will be notified by mail of the  
2 Findings of Fact and the Board's decision.

3                   Thank you and good luck.

4                   MS. AVERY: Thank you all.

5                   MEMBER MURPHY: Mr. President, I believe  
6 our third applicant on the agenda has deferred  
7 today, am I correct?

8                   MS. PINELLI: That is my understanding as  
9 well. We received communication from Mr. Ibata's  
10 attorney that they wanted to defer the matter to  
11 next month's meeting.

12                   MEMBER MURPHY: I'd like to make a motion  
13 to go into Executive Session.

14                   MEMBER TEBBENS: Second.

15                   CHAIRMAN FORTUNA: There is a motion by  
16 Trustee Murphy to go into Executive Session. There  
17 is a second by Trustee Tebbens.

18                   MS. BOECKMAN: Pursuant to 2(c)4 and  
19 2(c)11 of the Open Meetings Act.

20                   Trustee Murphy.

21                   MEMBER MURPHY: Yes.

22                   CHAIRMAN FORTUNA: Trustee Holt.

23                   MEMBER NANCE-HOLT: Yes.

24                   CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 MEMBER CONYEARS-ERVIN: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 We are in Executive Session.

11 (Whereupon, the Board went into

12 Executive Session off the record.

13 No action was taken in Executive

14 Session.)

15 MEMBER MURPHY: The next item involves

16 the application of Elizabeth Mazor. The Board

17 heard testimony on this matter last month, deferred

18 the matter, and we are now ready to proceed to vote

19 on the application.

20 Vince, do you have any additional

21 comments to make?

22 MR. PINELLI: The only thing I would add

23 is in the interim since we were last together on

24 April 23rd counsel for the applicant submitted an

1 additional exhibit, Applicant's Exhibit 2, to the  
2 Board for its consideration, regarding a legal  
3 position on the period of time for benefits to be  
4 paid in the event that the Board grants Ms. Mazor.  
5 So that has been submitted and I have no objection  
6 to that, Mr. President. I am assuming the  
7 applicant is moving but I have no objection to the  
8 admission of Applicant's 2 into the record.

9 CHAIRMAN FORTUNA: That would be  
10 admitted.

11 (Applicant's Exhibit 2 was  
12 admitted into evidence.)

13 MR. PINELLI: With that being admitted,  
14 the record is closed and this matter is available  
15 for the Board to take action on.

16 MEMBER MURPHY: I would like to make a  
17 motion to grant Duty Disability to Elizabeth Mazor  
18 consistent with the time period Ms. Mazor was  
19 employed with the CFD and disabled under the  
20 definitions of a disability in the Illinois Pension  
21 Code and applicable case law.

22 MEMBER TEBBENS: Second.

23 CHAIRMAN FORTUNA: There is a motion to  
24 grant by Trustee Murphy. Seconded by Trustee

1 Tebbens .

2 Trustee Murphy .

3 MEMBER MURPHY: Yes .

4 CHAIRMAN FORTUNA: Trustee Holt .

5 MEMBER NANCE-HOLT: 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 McPhillips .

12 MEMBER MCPHILLIPS: Yes .

13 CHAIRMAN FORTUNA: Trustee Tebbens .

14 MEMBER TEBBENS: Yes .

15 CHAIRMAN FORTUNA: And I am a yes .

16 Motion carries .

17 MEMBER MURPHY: Mr. President, I would  
18 like to make a motion for reexam consistent with  
19 the Board's policy .

20 MEMBER NANCE-HOLT: Second .

21 CHAIRMAN FORTUNA: There is a motion for  
22 reexam by Trustee Murphy. Seconded by Trustee  
23 Holt .

24 Trustee Murphy .

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Coneyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, Fund

16 counsel has previously sent around proposed

17 Findings of Fact and Conclusions of Law in this

18 matter.

19 Having had a chance to review those, I

20 make a motion to adopt the Findings of Fact and

21 Conclusions of Law in this matter.

22 MEMBER SONI: Second.

23 CHAIRMAN FORTUNA: There is a motion to

24 adopt by Trustee Murphy. Seconded by Trustee

1       Soni.

2                   Trustee Murphy.

3                   MEMBER MURPHY:   Yes.

4                   CHAIRMAN FORTUNA:   Trustee Holt.

5                   MEMBER NANCE-HOLT:   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 McPhillips.

12                  MEMBER MCPHILLIPS:   Yes.

13                  CHAIRMAN FORTUNA:   Trustee Tebbens.

14                  MEMBER TEBBENS:    Yes.

15                  CHAIRMAN FORTUNA:   And I am a yes.

16                  Motion carries.

17                  For the record, based on the Findings of

18       Fact made with the Trustees, the Trustees have

19       voted to grant the benefit consistent with the

20       period that Ms. Mazor was employed and disabled

21       under the definition of the Illinois Pension Code.

22                  Does that sound right, Vince?

23                  MR. PINELLI:   Yes, that is consistent

24       with the Board's motion and grant.

1                   CHAIRMAN FORTUNA:   So she will be  
2 notified by mail of the Findings of Fact and the  
3 Board's decision.   Thank you.

4                   MR. PINELLI:   That concludes this matter.

5                   MEMBER MURPHY:   Moving on to Item 5, I'd  
6 like to make a motion to approve the Board  
7 Physician's recommendations for reviews.

8                   MS. BOECKMAN:   Dr. Peters, do you mind  
9 talking through your report?   I know it involves  
10 some of the additional medical evaluations that the  
11 Board approved at a prior meeting.   I don't know if  
12 you have any comments you'd like to make before the  
13 Board moves forward with your recommendations.

14                   DOCTOR PETERS:   Specifically, are you  
15 referring to Mr. Flinz and Ms. Flores-Pachowicz?

16                   MS. BOECKMAN:   Yes, sir.

17                   DOCTOR PETERS:   Mr. Flinz had a FCE  
18 performed on April 13th.   It was assessed as being  
19 consistent and that he met 55 percent of the  
20 demands that are physical demands required to do  
21 full duties as a Paramedic.   He met a medium  
22 physical demand level.

23                               Specifically, if you look at what he was  
24 able to achieve, he could only lift 30 pounds of



1 the required 100 pound lifting. Also, the range of  
2 motion for his left elbow, the one that was  
3 surgically repaired, is still limited for  
4 extension. He can't extend fully to a straight  
5 line. He extends only to minus 17 degrees. So I  
6 don't think he would be able to perform full duties  
7 given those findings.

8 MS. BOECKMAN: Thank you, Dr. Peters. Do  
9 you have any other comments on any of the other  
10 reexams? Otherwise, if there is no questions, we  
11 can move forward with adopting your recommendation.

12 DR. PETERS: Not anything else on Mr.  
13 Flinz. I do have an update on Ms. Gloria  
14 Flores-Pachowicz

15 MS. BOECKMAN: Okay, great.

16 DR. PETERS: So she also underwent a FCE  
17 as initially advised by her hand surgeon Dr.  
18 Speziale and she had the test done on April 20th.  
19 And overall it was assessed as being valid, a valid  
20 assessment of her abilities. But Dr. Speziale  
21 pointed out that when you look at the breakdown of  
22 the exam, he thought, and it is stated, that she  
23 only had 69 percent consistency of effort.  
24 Specifically, it has to do with her persistent

1 inability to fully have full range of motion at the  
2 first joint, the PIP joint, of her left index  
3 finger and because of this she wasn't able to do  
4 heavy lifting.

5 And Dr. Speziale's observation is that --  
6 and this sounds a little bit extreme, but his  
7 conclusion is that even without -- if you were to  
8 lose your entire left index finger at the PIP  
9 joint, if you were to have an amputation, which  
10 this applicant did not, you still would be able to  
11 perform heavy lifting. You don't need the index  
12 finger's function at the PIP joint to do that.

13 Therefore, his conclusion is that her  
14 limitation in the exam is probably more related to  
15 her deconditioning overall than the fact that she  
16 doesn't have proper range of motion, specifically  
17 flexion, at the first joint of the index finger.

18 His recommendation is that she undergo a  
19 work hardening program and then follow up with him  
20 in about six weeks, which I think is very  
21 reasonable.

22 MS. BOECKMAN: Okay, great. Any  
23 questions from the board members?

24 TRUSTEE MURPHY: I would like to make a

1 motion to approve the Board Physician's  
2 recommendations for reviews.

3 MEMBER CONYEARS-ERVIN: Second.

4 CHAIRMAN FORTUNA: There is a motion to  
5 approve by Trustee Murphy. Seconded by Trustee  
6 Conyears-Ervin.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 MEMBER MURPHY: Moving on to Item 6 in  
23 Agenda, Investments, I'd like to turn this over to  
24 Trustee McPhillips and walk us through the report.

1                   MEMBER MCPHILLIPS: Good morning,  
2 everyone.

3                   We had our Investment Committee meeting  
4 on the 14th. We went over the cash flow analysis,  
5 the Q1 report from Callan, and also the RFP for the  
6 three finalists for the investment consultant.

7                   I will turn this over to Lorna. If  
8 anyone has any questions of Callan, you can ask  
9 Brady.

10                  MS. SCOTT: Actually, I don't have  
11 anything to add. I would want to pause because I  
12 believe there was some other Investment Committee  
13 members who did want to comment.

14                  MEMBER CONYEARS-ERVIN: Thank you, Lorna.

15                  I just wanted to say we had a really  
16 great Investment Committee meeting and I really  
17 thank Lorna for the work that she did to provide  
18 the background information, the comparative charts  
19 and everything that we had.

20                  Thank Trustee McPhillips for coordinating  
21 the meeting and leading and facilitating it. It  
22 was a very difficult meeting, which was great for  
23 the Fire Pension Fund, because we had three really,  
24 really good candidates. And, certainly, we

1 appreciate the work that Brady and Callan has done  
2 and I spoke at length about that during the  
3 meeting.

4 But I wanted to just say for the record  
5 the respect that I have specifically for another  
6 candidate that had applied, which was Marquette  
7 Associates. I work with them on two other pension  
8 funds and I just wanted to say while it was a very  
9 difficult decision and while I certainly appreciate  
10 the work that Marquette Associates does for us at  
11 the City of Chicago, with the other two pension  
12 funds, I would like to say congratulations to  
13 Callan and Brady. Thanks for the work that you  
14 have done and we look forward to the continued  
15 partnership. Thank you, Trustee  
16 McPhillips and President Fortuna, for allowing me  
17 to chime in there.

18 CHAIRMAN FORTUNA: Thank you.

19 MS. SCOTT: I think with that, I am  
20 looking for a motion to ratify the Committee's  
21 recommendation related to the investment consultant  
22 search.

23 MEMBER MCPHILLIPS: I will make that  
24 motion.

1 MEMBER CONYEARS-ERVIN: I will second  
2 that motion.

3 CHAIRMAN FORTUNA: There is a motion by  
4 Trustee McPhillips. Seconded by Trustee  
5 Conyears-Ervin.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: Yes.

10 CHAIRMAN FORTUNA: Trustee  
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MS. SCOTT: The next item on the agenda  
22 is my Investment update. I am going to keep this  
23 report pretty short.

24 So the Investment report has the

1 performance chart year-to-date through April. In  
2 summary, April was a very strong month. The Fund  
3 was up 3.5 percent. Ahead of the benchmark by 0.3  
4 percent. Year-to-date the Fund was up 7.4 and that  
5 is outperforming the benchmark by 0.6.

6 It is really a good start to the year for  
7 the Fund in performance.

8 The next item below that it is the Q1  
9 MWDBE brokerage utilization review. And so in  
10 short, the Fund is meeting its utilization goals  
11 thus far.

12 I think in a nutshell that is the  
13 investment report.

14 CHAIRMAN FORTUNA: Is there a motion to  
15 accept?

16 MEMBER MURPHY: Motion to accept the  
17 Investment report.

18 MEMBER MCPHILLIPS: Second.

19 CHAIRMAN FORTUNA: Motion to accept by  
20 Trustee Murphy. Seconded by Trustee McPhillips.  
21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Holt.

24 MEMBER NANCE-HOLT: 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:  And I am a yes.  
11                  Motion carries.  
12                  MEMBER MURPHY:  Mr. President, moving to  
13                  Item Number 7, Expenditures.  We have  
14                  Administrative Expenses for Board review and  
15                  approval.  I'd like to make a motion to approve the  
16                  Administrative Expenses as presented.  
17                  MEMBER NANCE-HOLT:  Second.  
18                  CHAIRMAN FORTUNA:  Motion by Trustee  
19                  Murphy.  Seconded by Trustee Holt.  
20                  Trustee Murphy.  
21                  MEMBER MURPHY:  Yes.  
22                  CHAIRMAN FORTUNA:  Trustee Holt.  
23                  MEMBER NANCE-HOLT:  Yes.  
24                  CHAIRMAN FORTUNA:  Trustee



1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee 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: And I am a yes.

10 Motion carries.

11 MEMBER MCPHILLIPS: Sarah, thank you for  
12 filling in the last couple of months as the Interim  
13 Executive Director. You have done a great job.

14 MEMBER MURPHY: The Legislative Update.  
15 Sarah, would you proceed with any updates?

16 MS. BOECKMAN: Thank you. I just want to  
17 say thank you, Trustee McPhillips, and thank you to  
18 all the board members. It is a privilege to serve  
19 you and I look forward to continuing to work with  
20 all of you, just with my attorney hat on and not my  
21 Interim Executive Director hat on.

22 As far as the Legislative Update, you are  
23 going to be hearing from Brandon Phelps. I had  
24 anticipated starting a little bit later at 10:15.

1 If it is okay with the Board President and the rest  
2 of the board members, I will do my Executive  
3 Director's report and kill a little bit of time  
4 before Brandon calls into the meeting. He is going  
5 to provide a short update about what is happening  
6 down in Springfield as well as answer any questions  
7 from board members. Because I believe this will be  
8 our last meeting before the General Assembly goes  
9 into recess until the fall, we probably won't be  
10 hearing much from Brandon from now until the fall  
11 session. If any Trustees have any questions, he is  
12 going to be available on the phone.

13 As far as my Executive Director's report  
14 is concerned, the only thing I wanted to mention is  
15 something which we are really excited about, and I  
16 would like to give a big kudos to Lori and Liz, who  
17 worked very hard in selecting a new FABF staff  
18 member, is that we have a new hire in the Benefits  
19 Department. His name is Kayode Michael Ajighegire.  
20 He goes by Michael.

21 He will be joining the Fund on the 24th  
22 of May, so a week from today. He is extremely  
23 qualified, has great energy, and we are really  
24 excited for him to start as part of the team.

1           He will be training under Liz for the  
2 next year while Liz works out her next steps in  
3 retirement. We are going to be really sad to see  
4 Liz go but she has graciously agreed to train  
5 Michael and help him get onboard.

6           I know we're starting to be in-person a  
7 little bit more. If you are in the Fund office  
8 anytime over the next month, I encourage you to  
9 introduce yourself to Michael. We are really  
10 excited to have him onboard.

11           Again, thank you to Lori and Liz for  
12 working so hard in getting Michael onboard.

13           Brandon, do you happen to be on the line  
14 yet? It looks like you are. I gave a short intro  
15 just saying that you are going to give us a little  
16 bit of an update of what is going on down in  
17 Springfield and any bills we should be aware of and  
18 what is maybe going on down there because we are  
19 probably not going to hear too much from you from  
20 now until the fall session.

21           I am going to turn it over to you and  
22 we're excited to hear your update.

23           MR. PHELPS: My firm partner, Patrick  
24 Barry, if someone can let him in, is going to join

1 me on this call.

2 MS. BOECKMAN: Absolutely. It looks like  
3 he just was let in.

4 MR. PHELPS: Great. Good morning, Sarah,  
5 Mary Pat, to all the board members.

6 Pat and I are over at the Capitol waiting  
7 to talk to leadership. We sent you a report. I  
8 know some of those bills I know we can take off.  
9 Rather safe than sorry, we still monitor everything  
10 for you on that.

11 As you know, the clock is ticking. They  
12 were supposed to be done by May 31st. It looks  
13 like possibly they could maybe go into the summer  
14 with the remap process, that is really on  
15 everybody's mind, it is taking a lot of time from  
16 the legislative process because they have to do  
17 that remap this year.

18 The Senate Democrats and the House  
19 Democrats are kind of not working together on the  
20 remap process and they have not brought any  
21 Republicans into the process as of right now.

22 But really the main thing is I just want  
23 to tell you thank you for letting us represent you.

24 Right now it looks like there is not

1 really a lot of adversarial bills that would hurt  
2 the Fund. We are monitoring very closely. I talk  
3 to Sarah quite a bit.

4 Like I said, if you want to look at some  
5 of those bills on the report, we could probably  
6 take some of those off.

7 But right now, mainly, besides the remap  
8 process, the budgets negotiations are going on.  
9 The energy talks are going on. There is cannabis  
10 that may be coming up and also some gaming issues  
11 might be coming up here shortly.

12 With that, Pat, I know you wanted to say  
13 a couple of things.

14 MR. BARRY: Just to drill down a little  
15 bit more on the pension conversations, I think  
16 everybody on here knows that Martwick has been  
17 dominating the issue the last couple of years.  
18 This year has been no different.

19 His focus, in talking to him quite often,  
20 has mostly been on the universities and state  
21 employees related to deferred compensation and the  
22 Tier 2 issue that he sees as a shortfall for  
23 retirement. So that has kind of kept us  
24 off the radar a bit and along with what Brandon

1 said, major, major outstanding issues with two  
2 weeks left to go. No consensus on a map. Budget  
3 negotiations just starting.

4 The Feds saying that the money that has  
5 come to us from the relief package cannot be used  
6 for debt has thrown kind of a wrench in the Budget  
7 process.

8 Just a lot of large moving parts still  
9 out there to get done in the last two weeks. Along  
10 with 800 bills on the floor between both Chambers.  
11 So, you have got energy, budget, cannabis. And,  
12 obviously, the largest and the biggest gorilla in  
13 the room is the remap.

14 So with that, any questions, we are open  
15 to any questions.

16 MR. PHELPS: Sarah, we can take any  
17 questions.

18 MS. BOECKMAN: Thank you, Brandon.

19 Anyone have any questions for Brandon or  
20 Patrick?

21 MEMBER CONYEARS-ERVIN: No questions,  
22 just do what you do.

23 MR. PHELPS: Thanks, everybody.

24 CHAIRMAN FORTUNA: Thank you, Brandon.

1 MS. BOECKMAN: Thank you both.

2 MEMBER MURPHY: Do you want to go into  
3 the Executive Director's Report or do you want to  
4 go into Legal?

5 MS. BOECKMAN: I don't have anything else  
6 for my Executive Director's report and we can move  
7 to Legal. Although, I will note that we do not  
8 have any legal updates at this time.

9 MEMBER MURPHY: I'd like to make a motion  
10 to go into closed session pursuant to 2(c)1 of the  
11 Open Meetings Act to discuss personnel matters.

12 MEMBER NANCE-HOLT: Second.

13 CHAIRMAN FORTUNA: There is a motion by  
14 Trustee Murphy to go into Executive Session.  
15 Seconded by Trustee Holt.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Holt.

19 MEMBER NANCE-HOLT: Yes.

20 CHAIRMAN FORTUNA: Trustee  
21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 We are in closed session.

7 (Whereupon, the Board went into  
8 Executive Session off the record.

9 No action was taken in Executive  
10 Session.)

11 MEMBER MURPHY: Mr. President, I would  
12 like to make a motion to authorize the Board  
13 President to execute and deliver the offer letter  
14 to the Executive Director candidate on the terms  
15 that were presented.

16 MEMBER MCPHILLIPS: Second.

17 CHAIRMAN FORTUNA: Motion by Trustee  
18 Murphy. Seconded by Trustee McPhillips.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Holt.

22 MEMBER NANCE-HOLT: Yes.

23 CHAIRMAN FORTUNA: Trustee

24 Conyears-Ervin.



1 MEMBER CONYEARS-ERVIN: Yes.

2 CHAIRMAN FORTUNA: Trustee 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 Item 11.

11 MEMBER MURPHY: There is no new business,  
12 Mr. President.

13 CHAIRMAN FORTUNA: Is there any old  
14 business?

15 MEMBER CONYEARS-ERVIN: I have new  
16 business, though.

17 CHAIRMAN FORTUNA: Okay.

18 MEMBER CONYEARS-ERVIN: I wanted to say  
19 congratulations. I am so proud of Trustee Annette  
20 Holt, the nominated Commissioner of the Chicago  
21 Fire Department. First woman nominated and first  
22 woman of color.

23 She does such great work for us. I don't  
24 even know if this is her last meeting or not but I

1 just wanted to say that because it is news and it  
2 is a big deal so congratulations. She has worked  
3 so hard for us, thank you.

4 MEMBER NANCE-HOLT: Thank you, thank you  
5 so much. I think if I am confirmed, it is  
6 bittersweet. Truly I have enjoyed everything with  
7 everybody on this call and I have learned so much.  
8 Even with our debates, I still grow from those. I  
9 am just grateful and thank you. Keep praying for  
10 me, that is what I can tell you. Thank you.

11 CHAIRMAN FORTUNA: We will.

12 MEMBER MCPHILLIPS: Good luck, Annette.

13 MEMBER TEBBENS: I would like to wish  
14 Commissioner Holt congratulations as well.

15 I also serve on another board with  
16 Commissioner Holt, Fire Insurance Board, and it is  
17 a pleasure serving on both boards and  
18 congratulations.

19 MEMBER NANCE-HOLT: Thank you. I greatly  
20 appreciate everybody. And it is big shoes to fill  
21 and I am sure god has built me to handle this. I  
22 would like to do this before I retire off this job.  
23 Just, thanks, because I couldn't do any of this  
24 without everybody behind me and pushing me up and

1 teaching me what I learned throughout the years so  
2 thank you.

3 CHAIRMAN FORTUNA: Annette, you are going  
4 to do great. And, I tell you what, this will be  
5 the first time I ever said this to a Commissioner:  
6 We love you.

7 MEMBER NANCE-HOLT: Thank you.

8 MEMBER SONI: We love you. We are so  
9 proud. I think as everybody has said over here,  
10 you're going to do a fantastic job. Just working  
11 with you in this realm, we can see you are so  
12 thoughtful and so balanced. You listen to all  
13 sides. You really want to do good for the City and  
14 for the Fire Department and all of the people who  
15 work hard in that Department and throughout the  
16 City. You will do a wonderful job. We are here to  
17 support you but congratulations again.

18 MEMBER NANCE-HOLT: Thank you.

19 MEMBER MURPHY: Congratulations,  
20 Commissioner. I am sure we will still see you on  
21 the street, too.

22 MEMBER NANCE-HOLT: Of course, you will.  
23 Thank you.

24 MEMBER NANCE-HOLT: Let me make the

1 motion to adjourn.

2 CHAIRMAN FORTUNA: There is a motion to  
3 adjourn by Trustee Holt. Seconded by Trustee  
4 Murphy.

5 All in favor?

6 (Chorus of ayes.)

7

8

9 (WHICH WERE ALL THE PROCEEDINGS

10 IN THE ABOVE-ENTITLED MEETING

11 AT THIS DATE AND TIME.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF DU PAGE )  
4  
5

6 DEBORAH TYRRELL, being a Certified Shorthand  
7 Reporter, on oath says that she is a court reporter  
8 doing business in the County of DuPage and State of  
9 Illinois, that she reported in shorthand the  
10 proceedings given at the taking of said cause and  
11 that the foregoing is a true and correct transcript  
12 of her shorthand notes so taken as aforesaid; and  
13 contains all the proceedings given at said cause.  
14  
15  
16

17 Debbie Tyrrell  
18 DEBBIE TYRRELL, CSR  
19 License No. 084-001078  
20  
21  
22  
23  
24

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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF )  
MEETING NO. 1087 )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the video/audio conference 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 June 16, 2021,  
commencing at the hour of 8:30 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.  
BY: MS. MARY PATRICIA BURNS  
MR. VINCENT PINELLI  
MS. SARAH A. BOECKMAN

ALSO PRESENT:

MS. SARAH A. BOECKMAN, Interim Executive  
Director  
LORI LUND, Deputy Director  
LORNA SCOTT, Chief Investment Officer  
JACLYN VLAHOS, Comptroller  
JOHN CONNESS, Fund Accountant  
MARC TORRES, IT Analyst  
MARK MYSLINSKI, City Treasurer's Office  
MICHAEL I. PETERS, M.D., Board Physician

1 CHAIRMAN FORTUNA: Good morning,  
2 everyone. We are going to convene the board  
3 meeting for Wednesday, June 16th. It is 8:30. I'd  
4 like a roll call.

5 MS. BURNS: Trustee Murphy.

6 MEMBER MURPHY: Present.

7 MS. BURNS: Trustee Nance-Holt.

8 MEMBER NANCE-HOLT: Present.

9 MS. BURNS: Trustee Conyears-Ervin.

10 (Not present.)

11 Trustee Soni.

12 (Not present.)

13 Trustee McPhillips.

14 MEMBER MCPHILLIPS: Present.

15 MS. BURNS: Trustee Tebbens.

16 (Not present.)

17 MS. BURNS: Trustee Valencia.

18 MEMBER VALENCIA: Present.

19 MS. BURNS: President Fortuna.

20 CHAIRMAN FORTUNA: I am here.

21 MS. BURNS: You have a quorum.

22 CHAIRMAN FORTUNA: Thank you, very much.

23 Public Act 101-0640 allows this meeting  
24 to be conducted by audio and video conference. The

1 Act requires a roll call vote on each matter acted  
2 upon.

3 Further consistent with Public Act  
4 101-0640, for the record, I am physically present  
5 at the Fund office as is Fund Secretary and Interim  
6 Executive Director. We have posted notice of this  
7 meeting in accordance with the Open Meetings Act  
8 and the meeting is being recorded. A transcript of  
9 this proceeding will be prepared and ultimately,  
10 after approval, will be made available on the  
11 Fund's website.

12 Now I am going to move to Public Comment.  
13 Consistent with Public Act 91-0715 and reasonable  
14 constraints determined by the Board of Trustees, at  
15 each regular meeting of the Board or its committees  
16 that is open to the public, members of the public  
17 may request a brief time to address the Board on  
18 relative matters within its jurisdiction.

19 Are there any requests for public  
20 comment?

21 Hearing none, I am going to turn the  
22 meeting over to Secretary Murphy to proceed through  
23 the rest of the agenda.

24 MEMBER MURPHY: Thank you. First, we are

1 going to turn to the Approval of Administrative  
2 Items.

3 Approval of Minutes for the Regular Audio  
4 Meeting for May 17, 2021, open and closed; Regular  
5 Audit Meeting Transcript from May 17, 2021; Regular  
6 Audio Investment Committee Meeting, May 14, 2021  
7 open and closed minutes; and, the Regular Audio  
8 Investment Committee Meeting Transcript for May 14,  
9 2021.

10 I would like to make a motion to approve  
11 the open minutes, the audio transcripts and the  
12 closed session minutes for the May 17th Board  
13 meeting and the May 14th Investment Committee  
14 meeting, and to keep the closed session minutes  
15 closed on the recommendation of counsel.

16 CHAIRMAN FORTUNA: There is a motion. Is  
17 there a second?

18 MEMBER HOLT: Second.

19 CHAIRMAN FORTUNA: Seconded by Trustee  
20 Holt. Any discussion?

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Holt.

24 MEMBER NANCE-HOLT: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.  
2 MEMBER MCPHILLIPS: Yes.  
3 CHAIRMAN FORTUNA: Trustee Valencia.  
4 MEMBER VALENCIA: Yes.  
5 CHAIRMAN FORTUNA: And I am a yes.  
6 Motion carries.  
7 MEMBER MURPHY: Moving on to Item B,  
8 Minimum Formula Annuities. I would like to make a  
9 motion to approve the Minimum Formula Annuities  
10 starting with Member 11556 and ending with Member  
11 17039.  
12 MEMBER VALENCIA: Second.  
13 CHAIRMAN FORTUNA: There is a motion by  
14 Trustee Murphy. Seconded by Trustee Valencia.  
15 Trustee Murphy.  
16 MEMBER MURPHY: Yes.  
17 CHAIRMAN FORTUNA: Trustee Holt.  
18 MEMBER NANCE-HOLT: Yes.  
19 CHAIRMAN FORTUNA: Trustee Soni.  
20 MEMBER SONI: Yes. I just joined.  
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 MEMBER MURPHY: Moving on to C, Survivor  
6 Annuities and Widow's Annuities. I would like to  
7 make a motion to approve the Widow Annuities  
8 starting with Member 07659 through Member 13317.  
9 MEMBER SONI: Second.  
10 CHAIRMAN FORTUNA: There is a motion to  
11 approve by Trustee Murphy. Seconded by Trustee  
12 Soni.  
13 Trustee Murphy.  
14 MEMBER MURPHY: Yes.  
15 CHAIRMAN FORTUNA: Trustee Holt.  
16 MEMBER NANCE-HOLT: Yes.  
17 CHAIRMAN FORTUNA: Trustee Soni.  
18 MEMBER SONI: Yes.  
19 CHAIRMAN FORTUNA: Trustee McPhillips.  
20 MEMBER MCPHILLIPS: Yes.  
21 CHAIRMAN FORTUNA: Trustee Tebbens.  
22 MEMBER TEBBENS: Yes.  
23 CHAIRMAN FORTUNA: Trustee Valencia.  
24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Moving on to D, Refunds.

4 I would like to make a motion to approve the Refund  
5 for Member 18706.

6 MEMBER MCPHILLIPS: Second.

7 CHAIRMAN FORTUNA: Motion to approve by  
8 Trustee Murphy. Seconded by Trustee McPhillips.  
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: Trustee Valencia.

20 MEMBER VALENCIA: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Mr. President, moving on  
24 to Item E, Death Benefits. I would like to make a



1 motion to approve the death benefits for Member  
2 07659 through Member 11061.

3 MEMBER TEBBENS: Second.

4 CHAIRMAN FORTUNA: Motion to approve by  
5 Trustee Murphy. Seconded by Trustee Tebbens.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: 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 MEMBER MURPHY: Moving on to Item F,  
21 Partial Payments. I make a motion to approve the  
22 Partial Payments beginning with Member 07696 and  
23 continuing through Member 05067.

24 MEMBER VALENCIA: Second.

1 CHAIRMAN FORTUNA: There is a motion by  
2 Trustee Murphy. Seconded by Trustee Valencia.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Holt.

6 MEMBER NANCE-HOLT: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Moving on to Item G,  
18 Benefit Recalculations. There are no Benefit  
19 Recalculations this month.

20 Moving on to Item H, Requests For  
21 Permission. There are three guardianship matters  
22 and one other guardian related matter. Turning  
23 first to the guardian matters, staff confirms that  
24 the appropriate documentation is on file for each

1 of these three matters. I make the motion to  
2 approve the guardianship relating to Members 09583,  
3 09043 and 06229.

4 MEMBER SONI: Second.

5 CHAIRMAN FORTUNA: There is a motion by  
6 Trustee Murphy. Seconded by Trustee Soni.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: The other guardian  
22 related to a matter that involves Member 14544.  
23 Previously, the Board withheld payments due to a  
24 minor child because the individual who asked to be

1 made temporary guardian would not complete the  
2 Fund's required paperwork acknowledging that the  
3 child resided with the guardian and that the money  
4 would be used for the child's benefits. That  
5 paperwork has now been provided and reviewed by  
6 counsel. Thus, I make a motion to approve the  
7 release of child annuity payments for the period of  
8 November 2020 through February 10th of 2021 to  
9 Matthew Rogers, brother of Member 14544.

10 MEMBER MCPHILLIPS: Second.

11 CHAIRMAN FORTUNA: There is a motion by  
12 Trustee Murphy. Seconded by Trustee McPhillips.

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Holt.

16 MEMBER NANCE-HOLT: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: There are also two  
4 requests to reside out of state from Member 14551  
5 and Member 16022. Motion to approve.

6 MEMBER NANCE-HOLT: Second.

7 CHAIRMAN FORTUNA: There's a motion by  
8 Trustee Murphy. Seconded by Trustee Holt.

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: Trustee Valencia.

20 MEMBER VALENCIA: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Mr. President, Item I,  
24 Removals. I would like to make a motion to approve

1 Removals starting with Florence Jastrzebowski and  
2 end ending with Aidan McCormick -- Buczko.

3 MEMBER VALENCIA: Second.

4 CHAIRMAN FORTUNA: There is a motion for  
5 removal. Seconded by Trustee Valencia.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: 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 MEMBER MURPHY: Moving on to 3, Request  
21 for Approval of Payments pursuant to a Court Order.  
22 I would like to ask counsel to provide some  
23 background on this matter.

24 MS. BURNS: So the Trustees understand,

1 this is the Koch matter. What happened was last  
2 month, or a couple of months ago, the Board  
3 approved a calculation based on a QILDRO that had  
4 been entered a year or so ago during the pandemic.

5 The alternate payee was a woman by the  
6 name of Ann Koch, the ex-wife of Mr. Koch. She  
7 died on March 20, 2021.

8 The issue staff was faced with is what to  
9 do with the accrued payments that occurred between  
10 the time the QILDRO order was actually entered and  
11 the time that the Board actually approved the  
12 calculation order. The issue was whether those  
13 accrued sums go back to the member or go to the  
14 deceased wife or her estate.

15 If you approve this, based on our  
16 recommendation, the money would go to the ex-wife  
17 and her heirs because it was actually money she had  
18 earned and just hadn't gotten paid because of the  
19 Fund's procedures in getting the documentation put  
20 together.

21 So with that, I think you are prepared  
22 for the motion, unless there are questions from the  
23 Trustees.

24 MEMBER MURPHY: Mr. President, based on

1 the counsel's recommendation, I'd like to make a  
2 motion that the administrative and court orders  
3 listed in the docket for Member 016652 be rescinded  
4 due to the death of the alternate payee, and that  
5 all amounts due to the alternate payee prior to her  
6 death be paid to her estate.

7 MEMBER TEBBENS: Second.

8 CHAIRMAN FORTUNA: Motion by Trustee  
9 Murphy seconded by Trustee Tebbens.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Mr. President, moving on



1 to the approval of disability applications. I  
2 believe our first one is Firefighter McCann.

3 MR. PINELLI: Good morning, everyone. We  
4 are ready to proceed. I think Firefighter McCann  
5 is on the line. Sir, can you hear me?

6 MR. MCCANN: Yes, I can, sir.

7 MR. PINELLI: Very good, thank you.

8 Let the record reflect this is an  
9 application for an Ordinary Disability benefit  
10 being made by Firefighter Jason McCann.

11 Good morning, sir. I am one of the  
12 attorneys for the Pension Fund. I'd like to advise  
13 you of some preliminary matters before we start  
14 presentation of the evidence to the Board.

15 First of all, at the current time there  
16 are seven trustees I believe available to hear the  
17 evidence on your application.

18 If you don't know you should know the  
19 Pension Code requires that you get the yes vote of  
20 at least five of those seven trustees. Do you  
21 understand that?

22 MR. MCCANN: Yes, sir.

23 MR. PINELLI: The record indicates you do  
24 not have an attorney representing you at this time.

1 Is it your desire to proceed to this hearing  
2 without an attorney?

3 MR. MCCANN: Yes, sir.

4 MR. PINELLI: Lastly, it is always the  
5 applicant's burden of proof to present sufficient  
6 evidence to the Board in order for the Board to  
7 grant the benefit that the applicant is seeking.  
8 Do you understand it is your burden of proof?

9 MR. MCCANN: Yes, sir.

10 MR. PINELLI: By way of procedures, I am  
11 going to start by asking you some questions under  
12 oath. The board members may or may not have  
13 questions of you. Then I will call the Fund's  
14 physician consultant to testify. If there is  
15 anything I don't ask him that you think is  
16 important for the Board to know, let me know that  
17 and you will be given that opportunity. Do you  
18 understand the procedures?

19 MR. MCCANN: Yes, sir.

20 MR. PINELLI: Then we are ready to  
21 proceed. Is Doctor Peters on the line?

22 DR. PETERS: Yes, I am.

23 MR. PINELLI: Thank you. Mr. McCann and  
24 Dr. Peters, could you both please raise your right

1 hands?

2 (Witness sworn.)

3 JASON MCCANN

4 a witness herein, having been first duly sworn, was  
5 examined and testified as follows:

6 EXAMINATION

7 BY MR. PINELLI:

8 Q Sir, could you please state your name for  
9 the record and spell your last name?

10 A Jason Joseph McCann, M-c-C-a-n-n.

11 Q Mr. McCann, what is your rank with the  
12 Fire Department?

13 A I am a Firefighter Paramedic.

14 Q What was your last assignment before you  
15 went on layup?

16 A Engine 125.

17 Q Now, sir, you should have received a copy  
18 of Board Exhibits marked 1 through 9 prior to  
19 today's hearing from the staff. Did you get a copy  
20 of those exhibits?

21 A I did, sir, yes.

22 Q Did you have a chance to review them?

23 A I did, yes.

24 Q Do you have any objection to their

1 admission into the record in support of your  
2 application?

3 A I have no objection.

4 MR. PINELLI: Thank you.

5 Mr. Chairman, hearing that I would move  
6 for admission of Board Exhibits 1 through 9,  
7 without objection from the applicant.

8 CHAIRMAN FORTUNA: Admitted without  
9 objection.

10 (Board Exhibits 1 through 9 were  
11 admitted.)

12 MR. PINELLI: Thank you.

13 BY MR. PINELLI:

14 Q Now, sir, you are applying for this  
15 disability benefit based upon a condition that you  
16 have that is in the records with respect to your  
17 mental health; is that correct?

18 A That is correct, yes.

19 Q You entered service with the fire  
20 department in 2019; is that correct?

21 A Yes, sir.

22 Q Did you develop this condition with  
23 respect to your mental health while you have been  
24 in service with the Fire Department?

1           A     I developed this condition before  
2     employment with the Chicago Fire Department.

3           Q     Okay. And then has the condition  
4     worsened since that time since you came on the  
5     Department?

6           A     Yes, the condition did worsen.

7           Q     Now since you went on layup have you  
8     engaged in any activity by which you earn income?

9           A     No, sir.

10          Q     Have you engaged in any sporting  
11     activities?

12          A     No, sir.

13          Q     I saw in the record that you did apply  
14     for a reasonable accommodation with the Chicago  
15     Fire Department. Was there ever a determination on  
16     that?

17          A     I was denied for an accommodation.

18                 MR. PINELLI: Okay. Thank you. That's  
19     all the questions I have for this witness.

20                 CHAIRMAN FORTUNA: Trustees, any  
21     questions for Mr. McCann?

22                 MEMBER MCPHILLIPS: No questions.

23                 CHAIRMAN FORTUNA: Hearing none.

24                 MR. PINELLI: I would then proceed with

1 Dr. Peters.

2 (Witness previously sworn.)

3 MICHAEL I. PETERS, M.D.

4 a witness herein, having been first duly sworn, was  
5 examined and testified as follows:

6 EXAMINATION

7 BY MR. PINELLI:

8 Q Sir, please state your name.

9 A Michael I. Peters.

10 Q You're a physician; is that correct?

11 A Yes, that is correct.

12 Q A copy of your qualifications as a  
13 physician are attached to the Board Exhibits,  
14 right?

15 A Yes.

16 Q Do you perform a function with this fund?

17 A Yes, I do.

18 Q In that capacity, do you review medical  
19 records, either examine or interview applicants and  
20 report to the Board?

21 A Yes, I do.

22 Q Did you follow that procedure with  
23 respect to Mr. McCann?

24 A Yes, I did.

1 Q Did you file a written report with the  
2 Board that is marked as Board Exhibit Number 2?

3 A Yes.

4 Q Doctor, did you interview Mr. McCann?

5 A By telephone, yes.

6 Q Was the information he provided to you  
7 consistent with the medical records that you  
8 reviewed?

9 A Yes, it was.

10 Q Can you just summarize for the Board  
11 briefly what the state of his medical condition is  
12 at this time?

13 A He suffers from generalized anxiety and  
14 panic disorder. It started when he was at the  
15 Academy with the Lockport Fire Department in 2018  
16 and he did have a recovery at that time. But his  
17 episodes of acute panic have persisted and he has a  
18 great deal of anticipatory anxiety regarding  
19 activities involving fire fighting and being at the  
20 firehouse, awaiting calls, and things that have to  
21 do with being in the fire service, despite being on  
22 fairly regular therapy both with a therapist and  
23 with medication.

24 Q Based upon those symptoms, do you believe

1 he would be able to perform his duties with the  
2 Fire Department?

3 A No, I don't.

4 MR. PINELLI: Thank you, doctor, that is  
5 all the questions I have.

6 CHAIRMAN FORTUNA: Trustees, any  
7 questions for Dr. Peters?

8 MEMBER MCPHILLIPS: No questions.

9 CHAIRMAN FORTUNA: Hearing none.

10 MEMBER MURPHY: I'd like to make a motion  
11 to grant the benefits requested by Firefighter  
12 McCann.

13 MEMBER MCPHILLIPS: Second.

14 CHAIRMAN FORTUNA: There's a motion to  
15 grant by Trustee Murphy. Seconded by Trustee  
16 McPhillips.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Holt.

20 MEMBER NANCE-HOLT: 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: Trustee Valencia.  
4 MEMBER VALENCIA: Yes.  
5 CHAIRMAN FORTUNA: And I am a yes.  
6 Motion carries.  
7 MEMBER MURPHY: I'd like to make a motion  
8 for reexam consistent with the Board's policy.  
9 MEMBER SONI: Second.  
10 CHAIRMAN FORTUNA: Motion for reexam.  
11 Seconded by Trustee Soni.  
12 Trustee Murphy.  
13 MEMBER MURPHY: Yes.  
14 CHAIRMAN FORTUNA: Trustee Holt.  
15 MEMBER NANCE-HOLT: 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 MR. MCCANN: Mr. President, counsel has  
3 previously sent around Findings of Fact and  
4 Conclusions of Law in this matter. Having had a  
5 chance to review those, I would like to make a  
6 motion to adopt those Findings of Fact and  
7 Conclusions of Law.

8 MEMBER MCPHILLIPS: Second.

9 CHAIRMAN FORTUNA: There is a motion by  
10 Trustee Murphy. Seconded by Trustee McPhillips.  
11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Holt.

14 MEMBER NANCE-HOLT: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1           Mr. McCann, based on the Findings of Fact  
2           and Conclusions of Law made by the Trustees, the  
3           Trustees have voted to grant you the benefit you  
4           have requested.

5           You will be notified by mail of the  
6           Findings of Fact and the Board's decision.

7           Thank you and good luck to you.

8           MR. MCCANN: Thank you, very much. Thank  
9           you, Board, it means a lot to me. Thank you.

10          MEMBER MURPHY: Moving on, we have Todd  
11          Augustine, PIC, Ambulance 29, if he's available.

12          MR. AUGUSTINE: Yes, I am here.

13          MR. PINELLI: You can let the record  
14          reflect this is a hearing on the application for a  
15          Duty Disability Benefit being made by Paramedic in  
16          Charge Todd Augustine.

17          good morning, Mr. Augustine. I am one of  
18          the attorneys for the Pension Fund. I will be  
19          conducting this hearing for the Board. I'd like to  
20          advise you of some preliminary matters before we  
21          start the evidence.

22          First of all, there are seven trustees  
23          currently present to hear the evidence on your  
24          application. If you don't know you should know

1 that the Pension Code requires that you get the yes  
2 vote of at least five of those seven trustees in  
3 order to receive this benefit. Do you understand  
4 that?

5 MR. AUGUSTINE: Yes, sir.

6 MR. PINELLI: The record also indicates  
7 that you do not have an attorney representing you  
8 in this matter. I just want to confirm it is your  
9 desire to proceed without an attorney today?

10 MR. AUGUSTINE: 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 that an applicant is seeking. Do  
15 you understand it is your burden of proof?

16 MR. AUGUSTINE: Yes, sir.

17 MR. PINELLI: By way of procedures, I am  
18 going to start by asking you some questions under  
19 oath. Then I will call the Fund's physician  
20 consultant to testify. If there is anything I  
21 don't ask him that you think is important for the  
22 Board to know, please let me know and you will be  
23 given that opportunity. Do you understand the  
24 procedures?

1 MR. AUGUSTINE: Yes, I do.

2 MR. PINELLI: Then we are ready to  
3 proceed. Could I have Mr. Augustine and the doctor  
4 raise your right hands?

5 (Witness sworn.)

6 TODD AUGUSTINE,  
7 a witness herein, having been first duly sworn, was  
8 examined and testified as follows:

9 EXAMINATION

10 BY MR. PINELLI:

11 Q Mr. Augustine, please state your name and  
12 spell your last name for the record.

13 A Todd Gerald Augustine, A-u-g-u-s-t-i-n-e.

14 Q What is your current rank with the Fire  
15 Department?

16 A Paramedic in Charge.

17 Q What was your last assignment before you  
18 went on layup for this injury?

19 A Ambulance 29.

20 Q Sir, you should have been provided a copy  
21 of Board Exhibits marked 1 through 12 by the Fund  
22 staff in advance of today's hearing. Did you  
23 receive those exhibits?

24 A Yes, I did.

1           Q     Do you have any objection to their  
2 admission into the record in support of your  
3 application?

4           A     No, sir, I do not.

5           MR. PINELLI:  Mr. Chairman, I move for  
6 admission of Board Exhibits 1 through 12, without  
7 objection from the applicant.

8           CHAIRMAN FORTUNA:  Admitted without  
9 objection.

10                   (Board Exhibits 1 through 12 were  
11                   admitted into evidence.)

12 BY MR. PINELLI:

13           Q     Thank you.

14                   Mr. Augustine, directing your attention  
15 to May 27th of 2020, could you briefly describe for  
16 us what occurred to you that day that caused you an  
17 injury or injuries that is the basis of your  
18 application?

19           A     We were on a call and as were carrying  
20 the patient out, me and my partner, were caring the  
21 patient on the stair chair.  I was on the bottom of  
22 the stair chair and I stepped down from the curb  
23 and I suddenly felt pain on the right lower side of  
24 my back.

1           We continued with the call with the help  
2 of the engine crew. Moved the patient over to the  
3 stretcher, got her into the ambulance. Proceeded  
4 with the call. I was still feeling pain through  
5 the whole call. Got the patient to the hospital.  
6 With the help of the hospital staff, transferred  
7 the patient over to the hospital bed. I was still  
8 having pain when I moved her over.

9           I went to the ambulance to finish my Run  
10 Report and I right before I started I tried to take  
11 some Ibuprofen or aspirin to help with the pain.

12           Sat there for about a hour with no  
13 improvement in pain and I realized I wouldn't be  
14 able to continue my shift with this type of pain  
15 going on so I went into the emergency room at  
16 Little Company of Mary to get examined and layup.

17           Q     With respect to the incident, was there  
18 another member of the Fire Department that was  
19 involved with you in an attempt to move the patient  
20 at that time?

21           A     Yes, it was my partner and the engine  
22 crew was helping me. My partner was at the top of  
23 the stair chair and I was at the bottom of the  
24 stair chair. We were the only two using the stair

1 chair.

2 Q Your partner's name for the record?

3 A Kelly Newcomer.

4 Q He was a Fire Paramedic; is that correct?

5 A Yes, she was. She still is.

6 Q She is, sorry. Thank you. Prior to this  
7 incident had you ever had any injuries to your  
8 back?

9 A No, I had not.

10 Q No lay-ups or any treatment at all for  
11 your lower back prior to this incident; is that  
12 right?

13 A No, that is correct.

14 Q Following the injury, it looks like from  
15 the records you underwent a period of time with  
16 conservative treatments attempting to address the  
17 problems in your back but that did not resolve  
18 them; is that correct?

19 A That is correct.

20 Q Ultimately you had a spinal fusion  
21 surgery on February 22nd of 2021, this year,  
22 correct?

23 A Yes, sir.

24 Q Can you briefly describe for the members



1 of the Board what your current condition is with  
2 respect to any limitations or pain or discomfort  
3 that you still are experiencing?

4 A I am still experiencing some pain in my  
5 lower back as normal with the healing of the  
6 surgery. I am limited in how much I can bend over.  
7 According to my doctor, I can't carry more than ten  
8 pounds currently. Last time at physical therapy,  
9 with the assistance of the therapist, I could go do  
10 up to 30 but on my own I can't carry any more than  
11 10 pounds.

12 Q Since you went on layup, have you engaged  
13 in any activities by which you earn income?

14 A No, sir.

15 Q Are you currently taking any medications  
16 for pain prescribed by your treating doctors?

17 A No, sir.

18 Q Do you have any appointments scheduled  
19 with your treating doctor?

20 A Yes, I have one coming up on July 21st.

21 Q Is it your intention and desire to try to  
22 get back to the point where you can return to  
23 active duty?

24 A Yes, that will be my long-term goal as

1 long as I get approved by some doctor.

2 Q And the Fire Department agrees?

3 A Yes, sir.

4 MR. PINELLI: Thank you. That is all the  
5 questions of this witness.

6 CHAIRMAN FORTUNA: Trustees, any  
7 questions for Mr. Augustine?

8 MEMBER MCPHILLIPS: No questions.

9 CHAIRMAN FORTUNA: Hearing none, Vince.

10 MR. PINELLI: Thank you. I would proceed  
11 with Dr. Peters?

12 (Witness previously sworn.)

13 MICHAEL I. PETERS, M.D.

14 a witness herein, having been first duly sworn, was  
15 examined and testified as follows:

16 EXAMINATION

17 BY MR. PINELLI:

18 Q Dr. Peters, would you state your name for  
19 the record?

20 A Michael I. Peters.

21 Q You are a physician; is that correct?

22 A Yes.

23 Q Do you and Dr. Samo both perform a  
24 function as a consultant to this fund?

1           A     Yes, we do.

2           Q     In that capacity, do you review medical  
3 records, examine or interview applicants and report  
4 to the Board?

5           A     Yes, we do.

6           Q     With respect to this applicant, he was  
7 interviewed by Dr. Samo; is that correct?

8           A     That is correct.

9           Q     Dr. Samo is not available at this time to  
10 testify; is that correct?

11          A     That is correct.

12          Q     Did you have the opportunity to review  
13 the records for this matter?

14          A     Yes, I did.

15          Q     Does that include the written report  
16 filed by Dr. Samo?

17          A     Yes, it does.

18          Q     Could you please briefly describe for us  
19 what Dr. Samo's findings were with respect to the  
20 applicant?

21          A     Dr. Samo's findings were consistent with  
22 the mechanism of injury described by the applicant,  
23 with transferring a patient with a stair chair and  
24 developing acute low back pain.

1           He did not improve with the usual  
2 conservative measures, including epidural steroid  
3 injections. He ultimately underwent a posterior  
4 fusion and as he described he is still symptomatic  
5 and he is still on significant lifting  
6 restrictions.

7           Q     Doctor, just generally is there some  
8 period of time usually associated with that type of  
9 surgery before somebody reaches maximum medical  
10 improvement?

11          A     Approximately nine months.

12          Q     He just had this surgery in February?

13          A     February.

14          Q     He's not --

15          A     February 21st.

16          Q     He's not at MMI yet, correct?

17          A     No, he is not.

18          Q     Based on that, would he be able to  
19 perform his duties with the Fire Department?

20          A     Not presently.

21                MR. PINELLI: All right. Thank you,  
22 doctor. That is all the questions I have.

23                CHAIRMAN FORTUNA: Trustees, any  
24 questions for Dr. Peters?

1 MEMBER MURPHY: No questions.

2 CHAIRMAN FORTUNA: Hearing none.

3 MEMBER MURPHY: I'd like to make a motion  
4 to grant the disability benefits requested by Mr.  
5 Augustine.

6 MEMBER MCPHILLIPS: Second.

7 CHAIRMAN FORTUNA: There is a motion to  
8 grant by Trustee Murphy. Seconded by Trustee  
9 McPhillips.  
10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.  
23 Motion carries.

24 MEMBER MURPHY: I'd like to make a motion

1 for reexams consistent with the Board's policy.

2 MEMBER NANCE-HOLT: Second.

3 CHAIRMAN FORTUNA: There is a motion for  
4 reexam by Trustee Murphy. Seconded by Trustee  
5 Holt.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: 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 MEMBER MURPHY: Counsel has previously  
21 sent around proposed Findings of Fact and  
22 Conclusions of Law. Having had a chance to review  
23 those, I'd like to make a motion to adopt those  
24 Findings of Fact and Conclusions of law in this

1 matter.

2 MEMBER NANCE-HOLT: Second.

3 CHAIRMAN FORTUNA: There is a motion by  
4 Trustee Murphy. Seconded by Trustee Holt.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Holt.

8 MEMBER NANCE-HOLT: Yes.

9 CHAIRMAN FORTUNA: Trustee Soni.

10 MEMBER SONI: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: Trustee Valencia.

16 MEMBER VALENCIA: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

19 Based on the findings of fact and  
20 conclusions of law made by the Trustees, the  
21 Trustees have voted to grant you the benefit you  
22 have requested.

23 You will be notified by mail of the  
24 Findings of Fact and the Board's decision.

1 Thank you and good luck.

2 MR. AUGUSTINE: Thank you, board members.

3 MEMBER MURPHY: Christopher Ibata is  
4 online.

5 MEMBER CONYEARS-IRVIN: Good morning,  
6 everyone, I am here.

7 CHAIRMAN FORTUNA: Good morning, Trustee  
8 Conyears-Irvin.

9 MR. PINELLI: I think Mr. Ibata is  
10 represented by counsel, Mr. Jerry Marconi. Is Mr.  
11 Marconi on the line?

12 MR. MARCONI: Yes.

13 MR. PINELLI: What about your client is  
14 he on the line?

15 MR. MARCONI: He should be on. I know he  
16 was calling in.

17 MR. PINELLI: Let the record reflect this  
18 is a hearing on the application for a Duty  
19 Disability Benefit being made by Lieutenant Chris  
20 Ibata.

21 Mr. Ibata is on the line. He's also  
22 represented by counsel. Could you please identify  
23 yourself for the record, counsel?

24 MR. MARCONI: Good morning. Jerome



1 Marconi on behalf of the applicant.

2 MR. PINELLI: Okay. Mr. Iyata is also on  
3 the line with you; is that correct?

4 MR. MARCONI: That is correct.

5 MR. PINELLI: Before we begin testimony,  
6 for the record, let's confirm that you did receive  
7 copies of the Board Exhibits, which have previously  
8 been marked in this matter Board Exhibits 1 through  
9 12. Did you receive them, counsel?

10 MR. MARCONI: I did. I have no objection  
11 to them going into evidence.

12 MR. PINELLI: Okay, thank you. And, in  
13 addition, did you submit for the Board's  
14 consideration what's been marked as Applicant's  
15 Exhibits 1 through 6 as well?

16 MR. MARCONI: We did and then I followed  
17 up I think with a clarification because some of the  
18 documents were unreadable in the first submission  
19 so I sent Lori I think some pages that are easier  
20 to read.

21 MR. PINELLI: Okay, very well. Thank you  
22 for doing that. I take it you are moving for  
23 admission of those exhibits?

24 MR. MARCONI: Yes, sir.

1 MR. PINELLI: No objection here. So, Mr.  
2 Chairman, that having been said, at this time I  
3 move for admission of Board Exhibits 1 through 12  
4 and Applicant's Exhibits 1 through 6, without  
5 objection.

6 CHAIRMAN FORTUNA: Admitted without  
7 objection.

8 (Board Exhibits 1 through 12 and  
9 Applicant Exhibits 1 through 6  
10 were admitted into evidence.)

11 MR. PINELLI: Thank you. Now, counsel,  
12 do you wish to proceed with testimony?

13 MR. MARCONI: Yes. The only caveat, I  
14 just want to put on the record, you probably did  
15 not get my email attaching, but I saw a headline  
16 yesterday in the New York Times regarding a study  
17 that came out yesterday. The title of it is "A  
18 Detailed Study of Patients With Long Haul Covid"  
19 and it is a study of 2 million individuals.

20 So I think what I wanted to do, I don't  
21 want to defer this again, I haven't even read  
22 through this study. I emailed it to you. I am  
23 sure you haven't seen it either. I'd like to at  
24 least get going today. If board members have any

1 issues or questions, we have no objection if we  
2 have to defer it to finish it so that we can take a  
3 look at this study and maybe get either Mr. Ibata's  
4 treating physician on the line next time or give  
5 Dr. Peters a chance to look at it as well.

6 I am not saying I am asking for a  
7 deferment. I am saying if board members have a  
8 question, you know, we have no objection to not  
9 finishing this today. I mean, we're kind of in  
10 uncharted territory here with regard to a Covid  
11 case. I think the medical research is also  
12 ongoing. I just wanted to throw that out there at  
13 the beginning of the hearing.

14 MR. PINELLI: Okay. Well, Mr. Chairman,  
15 I would ask if the Board has any objection to  
16 proceeding this morning with the evidence and  
17 testimony that we have present?

18 CHAIRMAN FORTUNA: Trustees, any  
19 objections?

20 MEMBER MCPHILLIPS: No objection.

21 CHAIRMAN FORTUNA: Hearing none, Vince,  
22 proceed.

23 MR. PINELLI: Then we are ready to  
24 proceed. Mr. Ibata, could you please raise your

1 right hand?

2 (Witness sworn.)

3 MR. PINELLI: Thank you, counsel, you may  
4 proceed.

5 CHRISTOPHER IBATA

6 a witness herein, having been first duly sworn, was  
7 examined and testified as follows:

8 EXAMINATION

9 BY MR. MARCONI:

10 Q Lieutenant Ibata, you are the applicant;  
11 is that correct?

12 A Yes, sir.

13 Q You had a chance to read through the  
14 Board's packet containing your history and I think  
15 there was also in our exhibits there was a diary  
16 that you kept early on after you became infected;  
17 is that correct?

18 A Yes, that is correct. That package was  
19 so big.

20 Q I am going to fill in some blanks just  
21 for the Board. Could you just explain to them --  
22 it indicates you have been employed by the Chicago  
23 Fire Department since February 22, 1999. Can you  
24 just describe some of the assignments you have had

1 through your career as a Chicago Firefighter?

2 A I came on Ambulance 10 and then I took  
3 the PIC and went to Ambulance 45. I crossed over  
4 in '03 and went to Engine 26. A pretty good house.  
5 Then I went to Truck 29, that was a good time.  
6 Then I went to Tower 54 for a year and then I went  
7 to Air and Rescue. I learned a lot there. I was  
8 in great shape. Then I went out to the airport. I  
9 got injured there and I had to leave.

10 Q Were you a diver at some point?

11 A I was a rescue diver on Air and Sea  
12 Rescue and I was a diver on Squad 7 after I was  
13 assigned to the airport. I was assigned to the  
14 airport at Engine 12. I had to put in for  
15 somewhere so I went to Engine 12. They asked me to  
16 put in for the squad to be one of their top divers.

17 Q Can you dive any more?

18 A Right now, no.

19 Q Not now but why did you leave diving?

20 A I left Air and Rescue because I blew my  
21 ear out and I didn't go to the hospital and I ended  
22 up with peripheral visual vertigo and I ended up  
23 having to have physical therapy for that anyway.  
24 My dad was dying of cancer at the time and I didn't

1 want to layup so I just sucked it up to the point  
2 where I couldn't deal with it anymore and then I  
3 had to leave Air and Rescue. In order to be close  
4 to my family and close to my dad, I went out to the  
5 airport.

6 Q The last assignment was at the airport;  
7 is that correct?

8 A That is correct.

9 Q I want to fill in some of the blanks  
10 regarding that assignment. Which specifically was  
11 your assignment before you laid up?

12 A My assignment was diving at Squad 7 and  
13 we were doing Covid screening for international  
14 passengers coming in from around the world at  
15 Terminal 5. That is what I was doing before I got  
16 ill.

17 Q This would have been right at the  
18 beginning of the pandemic; is that correct?

19 A Yeah, yeah.

20 Q Can you give the Board kind of a picture  
21 of the setup at the time and the volume of  
22 passengers that you were screening?

23 A The setup was in Terminal 5 in the lower  
24 part of the -- the baggage collection area. I

1 don't know if anyone has ever gone through there.  
2 It was at the far end of the baggage collection  
3 area underneath Terminal 5. They had curtains  
4 setup and they had tables setup for screening  
5 stations. The passengers would come off the plane,  
6 they would come down to the CDC checkpoint, the  
7 border patrol checkpoint, and then we were the next  
8 stop.

9 We were the actual screener so we were  
10 the ones taking their temperature and asking them a  
11 series of questions and then if they were  
12 questionable we would take them back to the CDC  
13 checkpoint for further evaluation.

14 Q So you had very close contact with these  
15 passengers who were coming in from other countries;  
16 is that correct?

17 A Oh, yeah. You could feel them breathing  
18 on you. They literally -- you could feel them  
19 breathing on you. No such thing as social  
20 distancing.

21 Q There was some indication in I think Dr.  
22 Peters report regarding the PPE that was being used  
23 or being distributed. Was there sort of a shortage  
24 at that time?

1           A     Yeah, there was, obviously, a shortage  
2     because we couldn't get enough gloves and we were  
3     issued one N95 mask that we would use for several  
4     days at a time.  If you were doing a high volume of  
5     screening, you had to switch masks sometimes to  
6     just a surgical mask because we didn't have enough  
7     to go around.  We didn't have gowns.  We didn't  
8     have face shields.  You had to make do with what  
9     you had.

10          Q     When you say volume, can you give the  
11     Board some idea of the volume you were dealing with  
12     at that time?

13          A     Flights would come in one after another.  
14     Several hundred to thousands of people walking  
15     through the terminal.

16          Q     That would be every day?

17          A     That was every day.  I was screening  
18     every day between every platoon shift daily for  
19     over two weeks in the month of March.

20          Q     Now, at this time, and I can't remember  
21     where in the records it was, you told, maybe it was  
22     Dr. Peters, that you were living with one other  
23     person; is that correct?

24          A     Yes, one other fireman.  He was assigned



1 to the airport as well. We were on different  
2 shifts. He was doing the same thing I was with  
3 screening so.

4 Q Other than going to work and being  
5 exposed to people with COVID-19, there was no one  
6 at home that you were aware of that contracted  
7 COVID-19; is that correct?

8 A That is correct.

9 Q Did you also work with other emergency  
10 personnel that you knew contracted COVID-19 that  
11 you may have been exposed to?

12 A Yes. I know for certainty that one of  
13 the other private ambulance providers at the time  
14 had contracted Covid and that person was laying  
15 around. They were trying to take care of her.  
16 They ended up taking her to the hospital by CFD  
17 ambulance because she got so sick.

18 MEMBER CONYEARS-ERVIN: Can I ask Mr.  
19 Ibata, I am having a hard time hearing him. Can he  
20 talk a little louder, please?

21 THE WITNESS: I'm sorry. I will try.

22 BY MR. MARCONI:

23 Q You were just saying that you were  
24 working with another I think was it a private

1 ambulance company?

2 A Yes. We were working alongside with  
3 several private ambulance companies at the time.

4 Q One in particular you knew that -- did  
5 you transport her or did you help load her or what?

6 A I helped load her into the ambulance. I  
7 noticed that she was going outside to take a break.  
8 She was waiting for the ambulance to load her so I  
9 just assisted them getting her on the stretcher and  
10 throwing her in the ambulance.

11 Q Okay. During this time you were not  
12 using any type of a respirator or a new N95 mask  
13 every day; is that correct?

14 A We never used any kind of respirator. We  
15 had N95 masks most of the time but we didn't have  
16 access to them all of the time.

17 Q Now before I go into the initial  
18 symptoms, I wanted to try to let -- if we could let  
19 the Board know your level of fitness prior to  
20 contracting Covid. How would you describe your  
21 level of fitness and what types of workout routines  
22 would you engage in to maintain your fitness?

23 A Anybody who has seen me at the firehouse  
24 over my entire career, one place they have seen me,

1 I am always in the gym. I was swimming a mile  
2 after shift. I was running 2 miles before shift.  
3 I was dead lifting 250 pounds. I was squatting 250  
4 pounds. I was benching 225 pounds. Those were my  
5 regular max weights. I was doing cross fit, weight  
6 training, biking. I worked out five or six days a  
7 week. I had no problems with my breathing. No  
8 problems with my muscles. I endured multiple  
9 injuries over my career. I have always been able  
10 to work through every single one of them.

11 Q What kind of activities did you engage  
12 in, other than what you just said?

13 A Activities sport-wise?

14 Q Yes, sport-wise.

15 A I skied every winter. I had gone to  
16 Colorado. I climbed to the top of a 4,000 feet  
17 peak every year. I would do back country  
18 backpacking all over the south, southwest. I hiked  
19 the Grand Canyon three times. You know. I could  
20 hike all day with a 35, 40 pound pack with no  
21 problem. I couldn't go into the woods today and  
22 hike for a hour. My legs are garbage.

23 Q How about your height and weight at the  
24 time just before you laid up?

1           A     I weighed 191 pounds. I was like a pit  
2     bull. I'm sorry, right now I am extremely stressed  
3     out. Right now I hover between 172 pounds and 178  
4     pounds.

5           Q     How tall are you?

6           A     Five foot seven.

7           Q     So in the applicant's packet, I am not  
8     going to go through all of your initial symptoms,  
9     it looks like you kept a dairy of what was going on  
10    after you contracted COVID-19; is that correct?

11          A     That is correct. I put -- I could not  
12    physically write after April when I realized I was  
13    -- Medical called me and -- I didn't even remember  
14    I was a fireman for the City of Chicago when they  
15    called until after I hung up and then I realized I  
16    have to write this shit down.

17                    I couldn't even write with my right hand.  
18    My wife and my daughter helped me through Google  
19    Docs to take all the Kodak pictures of what I went  
20    through in April because I was there is no way  
21    Medical is going to believe what I went through.

22                    So I put together, with the help of my  
23    daughter and my wife, what I went through in April  
24    and that is what is printed out in one of the

1 exhibits from the end of March to the second week  
2 of May.

3 Q And that document fairly and accurately  
4 describes the symptoms you were experiencing right  
5 after you learned you had Covid; is that correct?

6 A Yes, that is -- yes.

7 Q Just prior to getting Covid, did you have  
8 a pulmonologist?

9 A No.

10 Q Had you ever been diagnosed with asthma?

11 A No.

12 Q Did you ever complain of any asthma type  
13 symptoms?

14 A No.

15 Q In the packet, I have a hard time  
16 pronouncing her name, I think it is Dr.  
17 Chua-Apolinario. She's an allergist; is that  
18 correct?

19 A She's an allergist immunologist.

20 Q Was this someone that you treated with  
21 prior to Covid?

22 A No.

23 Q To the best of your knowledge, did you  
24 have any allergies prior to Covid?

1           A     No.

2           Q     There was reference in the packet  
3 regarding bee stings and that you have to be  
4 cautious with regard to that. Did you see that?

5           A     Yes.

6           Q     Or did you read that?

7           A     Yes.

8           Q     And that is accurate?

9           A     Yes, that is accurate, yeah.

10          Q     The only thing that you were experiencing  
11 prior to Covid is you knew you had some  
12 hypersensitivity to insect stings; is that correct?

13          A     That is correct.

14          Q     As far as allergies, after Covid were you  
15 having an issue with allergies or allergic type  
16 symptoms?

17          A     Yes. So after the initial infection, I  
18 started having issues with my sinuses that I had --  
19 prior to the Covid infection, I had an infection  
20 while I was on the ambulance. I had a really bad  
21 infection years ago. I had them under control.

22                    After Covid, it was like somebody opened  
23 up a spigot in my sinuses and it would just drain.  
24 It was disgusting. I am on three medications for

1 that everyday to keep it under control.

2 I never had allergy like symptoms. Itchy  
3 face, watery eyes, feeling like crap. I had  
4 nothing like that until after Covid. I had nothing  
5 like that until Covid.

6 Q There's a Dr. Soltes who is also referred  
7 to in the Board packet. Was Dr. Soltes someone  
8 that you were treating with prior to Covid or  
9 post-Covid?

10 A That is post-Covid.

11 Q How did you get to Dr. Soltes?

12 A Dr. Soltes was referred to me by the  
13 allergist immunologist because after she took my  
14 history when I went to see her for the BP and the  
15 sinus drainage, she started treating me for Covid.  
16 She did a bunch of labs. She did a MRI of my head.  
17 And then explained a bunch of things to me and then  
18 referred me to Dr. Soltes to followup for my sinus  
19 issue.

20 Q You have been treating with Dr. Soltes;  
21 is that correct?

22 A Yes. I saw him yesterday. He wants to  
23 do surgery next week on my sinuses to clear up the  
24 allergy reaction in my head is the way he explained

1 it.

2 Q I think you had surgery last July for a  
3 deviated septum?

4 A No, I had surgery because I coughed so  
5 much that I blew an old hernia suture line from an  
6 ambulance run when I first got on the job. I had a  
7 hernia 20 some years ago lifting a patient on an  
8 ambulance. I forget whatever ambulance. Blew a  
9 hernia. Had surgery. I coughed so much it blew  
10 the old suture line which I had to have surgery  
11 for.

12 Q That was last July?

13 A Surgery was done last July. I coughed so  
14 much -- I didn't stop coughing for an entire month  
15 and a half. I coughed every day from the end of  
16 March all the way through April. It was like a  
17 holiday, May 14th, I actually went a full day  
18 without coughing.

19 Q And then next week's surgery is a  
20 deviated septum?

21 A The surgery is going to be for the  
22 deviated septum and the hyper enlarged -- I can see  
23 them. It is pretty disgusting. You look in the  
24 mirror and you can see the thing sticking out. He



1 explained it as a hyperreactive response to  
2 allergens, which is causing a lot of the drainage.  
3 He wants to reduce those and correct the deviated  
4 septum which will improve my breathing.

5 Q There is also a Dr. Anna Scigacz?

6 A Yes. Anna Scigacz is my primary care  
7 physician.

8 Q Was she your primary care physician prior  
9 to Covid?

10 A No. My primary care physician was Dr.  
11 Mylnt.

12 Q Why change the primary care physician?

13 A I changed primary care physicians because  
14 Dr. Mylnt was my primary care physician but he is  
15 semiretired and I couldn't get a hold of him. I  
16 called his office, called his office. Because of  
17 Covid everybody was shutdown.

18 When I finally did get a hold of him, it  
19 was in and out, and I decided it was better if I  
20 just changed to a different primary care physician.

21 Q Just as long as we are on that train of  
22 thought, were you having difficulty getting  
23 treatment post-Covid?

24 A Yes. You were treated like you had the

1 plague. I couldn't even get blood drawn. I was  
2 kicked out of the laboratory when I went over  
3 because I had to have a blood draw before I had a  
4 CT. As soon as you said Covid, they kicked you  
5 out. You were treated like you had the plague. I  
6 couldn't get surgery. You know, I can't explain  
7 what it was like being treated like you had the  
8 plague. For months and months and months being  
9 treated like you had the plague.

10 Q There is a Dr. Welbel; is that correct?

11 A Yes. Dr. Welbel I just recently started  
12 seeing her a couple of months ago for post-Covid  
13 issues.

14 Q She's a physiatrist; is that correct?

15 A Yes, she is.

16 Q Her specialty is basically rehab?

17 A Yes.

18 Q How did you get to Dr. Welbel?

19 A Dr. Welbel -- I was finally able to get a  
20 referral to Christ's post-Covid rehab program  
21 through my primary care physician because they  
22 didn't have anything available until January or  
23 early this year. I didn't have access to that  
24 program there.

1           Q     Have you been satisfied with her  
2     treatment to-date?

3           A     Yes, she is awesome. She linked  
4     everything together for me in my head. Her and the  
5     allergist immunologist had a plan. They are great.  
6     They actually understand like what is going on with  
7     my body. Why my body is not the same. This is a  
8     different fucking body.

9           Q     There is also reference in the records to  
10    the Christ rehab program, what is that?

11          A     The Christ rehab program is through the  
12    rehab department. Dr. Welbel is a physiatrist. It  
13    is a post-Covid physical rehab that focuses on  
14    basically reprogramming my body through physical  
15    therapy and she is going to be doing -- trying a  
16    different set of prescriptions. It is a lot.

17          Q     When was your last doctor's appointment?

18          A     I just saw Dr. Welbel last week. I saw  
19    Dr. Soltes yesterday for a presurgical consult. I  
20    saw the allergist yesterday. I had rehab  
21    yesterday. The neurologist last week. He  
22    prescribed me a new medication to try another  
23    antiviral. And I saw my primary two weeks ago.

24          Q     Are you also doing home therapy?

1           A     Yes. I do therapy every day so I do the  
2 physical therapy program that I go to once a week.  
3 I have a physical therapy program that I have and  
4 it is -- yeah, I do it every day. Breathing  
5 exercises and like muscle exercises.

6           Q     Are there limitations on what you can do  
7 according to your doctors as far as the rehab right  
8 now?

9           A     Yes. The physiatrist told me that I  
10 could not do any exertional exercises. It is  
11 extremely difficult for me not to do. She said I  
12 can't -- I actively can't push my legs. I cannot  
13 walk -- she said I could walk for five minutes  
14 total. I can go outside and walk for two and a  
15 half minutes one way and two and half minutes back.  
16 She said I can lift with two pound dumbbells only  
17 right now. I can't lift my normal weights. They  
18 don't want me lifting heavy weights right now for  
19 some reason. They want me doing breathing  
20 exercises and Pilates like exercises at home for  
21 the next week. Then it will slowly progress to  
22 where it adds time and weight.

23          Q     Have you noticed a change in your body  
24 composition in the past year?

1           A     My upper leg muscles aren't coming back.  
2     If the doctor would actually look at my upper leg  
3     muscles, they are not the same leg muscles. They  
4     shrunk during that month of Covid from April of  
5     last year. I have been doing nothing but walking  
6     and trying to push my body to try and get back in  
7     shape. These muscles are like not getting  
8     stronger. I didn't know why. The physiatrist was  
9     able explain it to me, to the best of my ability to  
10    understand it.

11           Q     Okay. As far as treatment is concerned,  
12    I read in the records that the prognosis though is  
13    good; is that fair to say?

14           A     Yeah. The physiatrist and the allergist  
15    immunologist they have a great game plan. I was  
16    losing a lot of hope. But, yeah, they are  
17    basically -- yeah, yeah, it's going to be --  
18    hopefully, it is going to be helpful. The  
19    physiatrist sounds very, very hopeful that I can  
20    get my body back so I can get back to work. That  
21    is all I have been trying to do is get my body back  
22    in shape to get back to work. I hit a wall last  
23    year and I couldn't get through it. The  
24    physiatrist is very hopeful that she can get me

1 back to work.

2 Q Do you feel like you are making progress?

3 A It is progress, yes. It is so slow, that  
4 is what is frustrating.

5 Q As far as your medications, what  
6 medications are you on today?

7 A Oh, geez. Let's see. What do I take in  
8 the morning? I take Breo Ellipta in the morning.  
9 I take Gabapentin in the morning. I take  
10 Olmesartan in the morning. I just started  
11 Amantadine, that is before bed. I stopped taking  
12 Montelukast on the doctor's recommendation and  
13 switched it to Xyzal in the morning. And I just  
14 started Prednisone, pre-surgery Prednisone.

15 Q I think it is pretty clear I think in the  
16 records that you right now have not been released  
17 back to work; is that correct?

18 A No, I have not.

19 Q Can you tell the Board your intentions  
20 and your feelings regarding work?

21 A I want to go back to work. I'd go to the  
22 Bureau if I could. I asked the physiatrist my last  
23 day if I could do an eight hour day and she said  
24 absolutely not. She said we have to slow your body

1 down.

2 I am a workout nut. I can't workout  
3 anymore the way I used to. It is freaking me out,  
4 okay. I am being honest. You know, it is freaking  
5 me out. I can't push my body to what I normally  
6 do, that is the most stressful thing for me right  
7 now. I can't push my body to what it used to do.  
8 I am half the person. This is a different body.  
9 It is frustrating. It is slowly getting better.  
10 The physiatrist hopefully will be able to get me  
11 there.

12 Q When were you promoted to Lieutenant?

13 A September of last year.

14 Q So this was while you were ill or before?

15 A It was during my layup.

16 Q Is it your intent to get back to work as  
17 soon as you possibly can?

18 A I would go back to work right now if I  
19 could.

20 Q As far as the prognosis is concerned, has  
21 anyone set a timeline? Has the doctor said I think  
22 you are going to be good to go in two months, three  
23 months, six months? Does anyone know at this point  
24 that you know of?

1           A     No.  Every doctor I have asked, I have  
2     seen over the last entire year I have asked, they  
3     all say the same thing.  They don't know because of  
4     Covid.  They have no idea what the long-term  
5     effects of Covid are going to be.

6           Q     As you sit there today or if you are  
7     standing, you are optimistic?

8           A     I am optimistic.  I push myself.  Yeah,  
9     yeah, I just want to go back to the firehouse, that  
10    is all I want.  My body is not letting me do that.

11           MR. MARCONI:  I don't have any other  
12    questions, Vince.

13                               EXAMINATION

14                               BY MR. PINELLI:

15           Q     Good morning, Mr. Ibata.  I just have a  
16    few questions for you as well.

17                    Just to confirm, though, you did have a  
18    positive test showing that you had COVID-19 on  
19    April 8th I believe after you had worked at the  
20    airport, correct?

21           A     Yes, that is correct.

22           Q     And then you had a subsequent test still  
23    positive at the end of April as well, correct?

24           A     Yes, that is correct.



1           Q     Now, you made a comment in your  
2 application that you have been asked several times  
3 if you were so sick why weren't you hospitalized  
4 and you explained that. Could you just briefly  
5 tell us so we understand how bad were you sick and  
6 then why you weren't hospitalized as far as you  
7 knew?

8           A     To be honest, I should have died on my  
9 couch. I don't know why my body shutdown but I got  
10 sick so fast. It is so to hard to describe. I  
11 rarely get sick, that is what is so frustrating to  
12 me.

13                     I had the flu-like symptoms maybe twice I  
14 can remember in the last 20 some years. Maybe  
15 three or four days you're a little tired.

16                     It was like being run over by a freight  
17 train at warp speed. It was insane. I got so  
18 sick. It was funny because I could piece  
19 everything together just because it was April  
20 Fool's Day was the day I was supposed to be back at  
21 the airport working. I notified my company officer  
22 the night before that. Something has to be wrong.  
23 I barely made it home driving.

24                     I had been coughing for a day or two and

1 the coughing started getting worse and the cough  
2 started getting worse and then I started getting  
3 more and more fatigued and then I had  
4 nightsweats, diarrhea.

5 I realized that I just couldn't keep any  
6 food or foods in me. I laid on the couch literally  
7 from April 1st until -- I can't remember -- the  
8 middle of April. I didn't get off that couch.  
9 There were several days that I couldn't move. I  
10 woke up several times and I realized the only  
11 reason why I was awake was because I wasn't  
12 breathing. I don't know why I woke up. I woke up.  
13 My eyes felt like they had sand in them. Right at  
14 the beginning after the -- when I got home April  
15 1st, people were calling and texting seeing how I  
16 was doing. They were insisting I go get tested.  
17 They finally found a place close to my house and I  
18 got lost going there. It was five blocks from my  
19 house. I was sitting in the parking lot completely  
20 lost. I am like where is this place.

21 I was able to find my way back to where I  
22 was supposed to be by using my phone app. After  
23 that it was just getting worse.

24 My eyes felt like they had sand in them.

1 I couldn't figure out why. My skin turned white  
2 and yellow. I remember like all these Kodak  
3 memories in my head. I blew my back out coughing.  
4 I had to crawl into the bathroom several times  
5 because of that.

6 It's just the fatigue. I literally  
7 didn't get off my couch. I literally could not get  
8 off my couch for over a week into the second, third  
9 week in April. Then I realized that when I was  
10 laying there I had given up. I had hit rock  
11 bottom. I realized I had lost like I don't know  
12 most of my body fat and all my muscle tone. I lost  
13 all my muscle tone. And my upper lip pulled up to  
14 my nose, that is when I realized -- I think that is  
15 when it clicked in my brain, that my upper lip  
16 pulled up to my nose. I could feel it laying on  
17 the couch that my mouth it was so dry. I couldn't  
18 even move my jaw, I remember that. I couldn't move  
19 my jaw. I couldn't move my tongue. My upper lip  
20 pulled up to my nose. For some reason I woke up  
21 that one last time and something made me -- I don't  
22 know if something carried me to the bathroom to  
23 look in the mirror. After that I somehow got water  
24 and I made myself -- just every time I opened my

1 eyes after that whether I liked it or not I would  
2 sip on water. I sipped on water and I started  
3 getting better.

4 Q Let me just ask you this, Mr. Ibata. The  
5 symptoms that you are currently experiencing that  
6 you have described, did you have any of those  
7 symptoms -- did you ever experience any of those  
8 symptoms before you were diagnosed with the Covid?

9 A The only thing I ever had before Covid  
10 was sinus drainage, that is the only thing that I  
11 ever had before Covid.

12 Q Okay. Since you went on layup as a  
13 result of this, have you engaged in any activities  
14 by which you earn money or income?

15 A No, no.

16 Q Okay. I think you said but you haven't  
17 worked out, you haven't engaged in any sporting  
18 activities; is that correct?

19 A No, I have not. I have not been able to.

20 MR. PINELLI: Thank you. That is all the  
21 questions I have, Mr. Chairman.

22 CHAIRMAN FORTUNA: Trustees, any  
23 questions?

24 MEMBER MURPHY: No.

1                   CHAIRMAN FORTUNA:   Hearing none, Vince.

2                   MR. PINELLI:   Counsel, at this time do  
3 you have anything else before I call the Fund's  
4 doctor to testify?

5                   MR. MARCONI:   No.   I just wanted to have  
6 Lieutenant Ibata just clear up one thing from what  
7 you asked him about his skin turning colors.   I  
8 think there was some references in the packet  
9 regarding the skin also turning blue and I wanted  
10 to ask him when that occurred and if it is still  
11 occurring.

12                  MR. PINELLI:   Okay.

13                                   EXAMINATION

14                                   BY MR. MARCONI:

15                  Q    Lieutenant Ibata, did you hear me?   I  
16 mean, I know that there was some reference in the  
17 medical records with regard to your skin turning  
18 blue.   Can you elaborate a little bit on that?

19                  A    Yes.   So last year in the summertime it  
20 was just my fingertips.   My fingertips were feeling  
21 heavy and they turned blue.   No big deal.

22                                   When I went to the emergency room in  
23 March for stroke like symptoms and stroke workup  
24 because my left side of my body completely went to

1 sleep.

2 And shortly after that, my entire hand  
3 when I would go walking -- it was my entire hand,  
4 my entire hand, was -- both my hands turned blue,  
5 swelled, they looked blotchy. The fluid built up  
6 in them and I could squeeze the fluid out of my  
7 fingertips.

8 And the physical therapist actually just  
9 yesterday morning I explained that to her when I  
10 first started seeing her, she started doing a  
11 physical therapy autonomic -- something to do with  
12 my autonomic nerves and she was able to do a bunch  
13 of exercises and she was able to make my hands turn  
14 blue right there just by doing those three  
15 exercises.

16 I was like how did you do that? It was  
17 like a magic trick. She was like I just stimulated  
18 your autonomic nerve system. I don't know what is  
19 up with that. It was kind of creepy actually.

20 Q Your hand turning blue is not as much  
21 anymore but at least you have identified or she has  
22 identified somewhat of a cause for it?

23 A Yes, yes. Part of the rehab program to  
24 reset that somehow.

1           Q     How long is that rehab? Is it indefinite  
2     at this point or is there a set number of sessions  
3     you have to get -- you have to go back and do they  
4     have to do another order for more sessions, do you  
5     know?

6           A     No, I don't know exactly the time frame  
7     how many of these.

8           MR. MARCONI: Okay, that is it, Vince.

9           MR. PINELLI: Thank you. At this time I  
10    would call Dr. Peters to testify.

11                           (Witness previously sworn.)

12                           MICHAEL I. PETERS, M.D.

13    a witness herein, having been first duly sworn, was  
14    examined and testified as follows:

15                           EXAMINATION

16                           BY MR. PINELLI:

17           Q     You understand you are under oath,  
18    correct?

19           A     Yes, I do.

20           Q     State your name for the record.

21           A     Michael I. Peters.

22           Q     You're a physician; is that correct?

23           A     Yes.

24           Q     A copy of your qualifications as a

1 physician are attached to the Board Exhibits,  
2 right?

3 A Yes.

4 Q Do you perform a function as a consultant  
5 to this fund?

6 A Yes, I do.

7 Q In that capacity, do you review medical  
8 records, examine applicants and report to the  
9 Board?

10 A Yes, I do.

11 Q Did you follow that procedure with  
12 respect to Lieutenant Ibata?

13 A Yes, I did.

14 Q And did you file a written report with  
15 the Board that is marked as Board Exhibit Number 2?

16 A Yes, I did.

17 Q Doctor, can you just briefly summarize  
18 for us what your findings were with respect to his  
19 state of his current medical condition?

20 A The state of his current medical  
21 condition was what he reported to me during our  
22 phone interview that he still subjectively has a  
23 variety of complaints that are new from his  
24 diagnosis of COVID-19. Primarily the symptoms he



1 has described to you. Fatigue, shortness of  
2 breath, generalized weakness, a loss of his ability  
3 to participate in vigorous exercise, which was a  
4 big part of his life prior to being infected.

5 Q Doctor, did you have an opportunity to  
6 review the applicant's exhibits?

7 A Yes, I did.

8 Q Those included some more recent  
9 evaluations of him by various physicians, correct?

10 A Yes.

11 Q They also included the results of some  
12 EMG testing; is that right?

13 A Yes.

14 Q Also some medical literature articles  
15 regarding the COVID-19 and persistent symptoms  
16 associated with it, correct?

17 A Yes. There were two articles and I  
18 reviewed them both.

19 Q With respect to his current condition,  
20 and I understand you said he has these subjective  
21 complaints, based on those subjective complaints  
22 would he be able to perform his duties with the  
23 Fire Department?

24 A It sounds like he has significant

1       deconditioning based on the fact that he was --  
2       during the acute phase of his COVID-19 infection,  
3       he was very ill and it sounds like he really  
4       doesn't or hasn't participated in any type of  
5       exercise. He is reporting now that he has been  
6       advised not to participate in exercise so I don't  
7       think he can function as a Firefighter Lieutenant  
8       because he's deconditioned.

9               Q       Let's talk about his breathing and his  
10       ability to breathe. What did you find in the  
11       records with respect to testing that was done on  
12       his lungs and so forth?

13              A       So he developed symptoms of acute  
14       COVID-19 at the end of March while he was working  
15       at the international terminal. About a week later  
16       he got a positive test back, which was very typical  
17       of testing at that time, that it would take so  
18       long. And then he almost immediately complained as  
19       he described of an intense cough, feeling like he  
20       was going to die, being very short of breath,  
21       having alertness changes, trouble thinking, driving  
22       to places, all during that acute phase.

23                       But then as he got better and he had a  
24       negative test and his symptoms were getting better,

1 he still had shortness of breath with walking. He  
2 was using an inhaler, a bronchodilator inhaler.

3 He underwent a total of three pulmonary  
4 function tests. The first one was negative. He  
5 did not have any evidence of the main types of  
6 diseases which you look for with pulmonary function  
7 tests. Which would be obstructive lung disease,  
8 that is asthma, or restrictive disease, or any  
9 decrease in diffusion capacity which is the most  
10 common lung finding post COVID-19 infection.

11 Then he had -- I think his pulmonologist,  
12 Dr. Mohammed, had a high suspicion that he might  
13 have asthma so he ordered something called a  
14 Methacholine Challenge Test, that was done on  
15 September 4, 2020.

16 The idea of that test is that you  
17 administer a medication that should cause a person  
18 with asthma to have spasm of their lungs and there  
19 is a very well-established threshold that defines  
20 that by the American Thoracic Society called a  
21 PT 20.

22 So, if your obstruction number, that is  
23 the FEV 1, goes down by 20 percent at a certain  
24 dose of methacholine, that is defining asthma.

1           His was negative. He never dropped by 20  
2 percent and he got a much higher dose than the  
3 threshold, that test was negative.

4           Not until January of 2021, when he had  
5 his third pulmonary function test, did it show  
6 evidence of an asthma like illness. That is  
7 defined by the fact that he got -- he had his  
8 pulmonary function test and then they gave him a  
9 bronchodilator medication, an inhaler called  
10 Albuterol, which is commonly used as a rescue  
11 medication for people with asthma.

12           What happened is his breathing ability,  
13 his FEV 1, went up. There is a threshold for that  
14 and he surpassed that threshold significantly. So  
15 he had significant improvement in his  
16 bronchoconstriction or his asthma with that  
17 medication. That is a definition for the diagnosis  
18 of asthma.

19           So the point is that it was nine months  
20 after his acute phase of COVID-19 before he had an  
21 abnormal pulmonary function test. He had two  
22 previous negative ones.

23           The only objective finding of any type of  
24 lung disease for him that is new is the January

1 2021 and it is a diagnosis of an asthma illness.  
2 Bronchial hyperresponsiveness.

3 Q Are you aware of any literature to-date  
4 that indicates that COVID-19 can cause or  
5 precipitate this type of condition that he did not  
6 have before exposure clearly but now he has after?  
7 Are you aware of any literature on that?

8 A So Mr. Marconi started the presentation I  
9 think with an important point, that the literature  
10 on a pandemic that really just started in March of  
11 last year is evolving.

12 So just as frontline treatment for  
13 patients with COVID-19 in the hospital setting  
14 evolved almost daily, weekly for sure, now the  
15 literature is coming out and there is new articles  
16 coming out frequently.

17 But my most recent medical literature  
18 review would show that by far the most common two  
19 lung diseases that occur post COVID-19 are  
20 restrictive lung disease, that is where the lung  
21 volumes are diminished. The ability to hold air  
22 within your lungs is significantly diminished.

23 Or, what we would more expect from this  
24 type of illness, is the actual alveoli, the

1 smallest air containing bodies within the lungs,  
2 the part where a membrane allows the blood to air  
3 or blood to gas interface.

4 Those alveoli are significantly damaged  
5 during bad COVID-19 pneumonia and they are scarred  
6 and you get fibrosis and they never return to  
7 normal. That is measured in the pulmonary function  
8 test by something called the effusion capacity of  
9 carbon monoxide.

10 So by far the most common post-Covid-19  
11 lung disease reported are restrictive and decreased  
12 effusion of carbon monoxide.

13 There is some report in the Medanalysis  
14 that is a combination -- or they took many, many,  
15 many medical literature articles and put the  
16 studies all together of about 7 percent of people  
17 post-Covid develop some type of obstructive lung  
18 disease like asthma but some percentage of those  
19 people already had preexisting lung disease.

20 The question of whether you're going to  
21 get new asthma because you had COVID-19, I don't  
22 see a lot of evidence for that right now today.

23 Nor do I expect that that would be the  
24 disease people would get because that's not --

1 bronchial hyperresponsiveness is not what I would  
2 expect as a complication of Covid-19 pneumonia.

3 The articles that Mr. Marconi sent me  
4 made a very strong emphasis on the fact that  
5 disease severity is not proportional to likelihood  
6 of, at least in the articles, going to a rehab.

7 In fact, the disease severity is very  
8 proportional to the severity of the lung disease  
9 you are going to have later objectively.

10 Meaning, if you had significant COVID-19  
11 pneumonia, you were on supplemental oxygen, you  
12 were hospitalized, perhaps in an ICU, you were much  
13 more likely to have restrictive or lung disease  
14 than if you weren't one of those kinds of patients.

15 MR. PINELLI: Thank you, doctor, that is  
16 all the questions I have.

17 CHAIRMAN FORTUNA: Trustees, any  
18 questions for the doctor?

19 MEMBER MCPHILLIPS: No questions.

20 CHAIRMAN FORTUNA: Okay. Hearing none.

21 MR. PINELLI: Counsel, if you have a  
22 question?

23 EXAMINATION

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BY MR. MARCONI:

Q Good morning, Dr. Peters. I just wanted to followup with that last comment. Correct me if I am wrong, it sounds like Lieutenant Ibata's prognosis would be good because of the fact that he doesn't have this permanent scarring or permanent damage to his lungs.

A I don't think Lieutenant Ibata has any objective findings of permanent lung disease so I would say, yes, that is probably true.

Q Okay. And then as far as the rehab that he is in, are you familiar with that, at Christ, what he is going through right now in terms of them trying to get him back to work?

A I am not familiar with what they do at Christ and I am not familiar with the details of post-COVID-19 rehab, specifically, no.

Q If you presume that the goal is to return him to work and the prognosis is good, I am assuming that you would agree that at least for now this is the proper course of treatment?

A Yes, definitely.

Q As far as Dr. Welbel, I am assuming you don't know her personally; is that correct?



1           A     I don't know her.

2           Q     She's a physiatrist and I think, maybe in  
3 a leading question, a physiatrist basically is a  
4 doctor that kind of specializes in rehabilitation;  
5 is that correct?

6           A     Yes.

7           Q     So I am assuming you don't really know  
8 about Dr. Welbel's practice or her emphasis on  
9 treating patients with Covid, correct?

10          A     I don't know anything about her. I'd be  
11 happy to review her records but I don't know her  
12 and I don't know anything about her practice.

13          Q     Okay. Assuming she has some experience  
14 with treating many patients with Covid, I would  
15 assume you would agree that this is another proper  
16 treatment for Lieutenant Iyata to continue treating  
17 with Dr. Welbel?

18          A     I would agree that Lieutenant Iyata  
19 should participate in a rehabilitation program.  
20 But, again, I don't know specifically what she is  
21 doing or what goes on in their rehab facility. I  
22 would assume that is a highly regarded hospital and  
23 that it is being done properly but I don't know  
24 what they are doing.

1           Q     As far as the asthma, and I know for me  
2     it is a bit confusing in the records of whether or  
3     not he has asthma, but I think it's clear that --  
4     in the records you reviewed, he never reported any  
5     asthma symptoms prior to his Covid infection,  
6     correct?

7           A     I don't see any evidence of him having  
8     asthma until that January 2021 EFT.

9           Q     Can you be cured of asthma? In other  
10    words, can you have asthma on a temporary basis and  
11    then it gets to the point where you don't really  
12    show symptoms anymore of asthma?

13          A     Asthma in an adult is a chronic disease.  
14    By definition, the episodes of asthma are  
15    precipitated by something usually predictably.  
16    This would be just putting together information but  
17    I think there is a likelihood given that Lieutenant  
18    Ibata had chronic rhinitis in 2016 and that he has  
19    positive allergy testing for mold more recently and  
20    that he has polyps and a deviated symptoms. Those  
21    are structural problems, for which he reported he  
22    is going to have surgery pretty soon. I mean, I  
23    think it is very reasonable to think that he could  
24    control his symptoms to a point that he wouldn't be

1 having asthma exacerbations very often.

2 At least when I spoke to him, he was  
3 walking. He said he was not requiring a rescue  
4 inhaler forever how much he's able to walk.

5 Q I guess my point is just because of the  
6 fact that Dr. Mohammed put down a diagnosis of  
7 asthma doesn't necessarily mean he can't go back to  
8 work?

9 A The Chicago Fire Department has a set  
10 criteria for -- the Medical Division has a set  
11 criteria for which asthmatic patients can go back  
12 to work and they have their pulmonologist sign-off  
13 on that.

14 That criteria it based on a national very  
15 well established criteria. So, no, as long as he  
16 meets all of those criteria, he could go back to  
17 work. He presently does not because he had a  
18 significant response to a bronchodilator during his  
19 last PFT in January.

20 Q If he continues to improve is the  
21 prognosis good that he will be able to get back to  
22 work as a Lieutenant?

23 A Regarding his asthma diagnosis, he would  
24 need another PFT. I would advocate that he should

1 get another PFT after he completes all of his  
2 allergy therapies with his allergy immunologist. I  
3 think the deconditioning thing is a separate  
4 question.

5 Q I noticed in the medical records, he was  
6 never sent for a FCE or Functional Capacity  
7 Evaluation, correct?

8 A Not in the records that were provided to  
9 me, I did not see a FCE.

10 Q I am assuming that is one of things, at  
11 least in other cases, you would look at to  
12 determine whether or not somebody could perform the  
13 duties of their job, correct?

14 A Yes.

15 Q Do you know why he didn't have a FCE or  
16 it's just not indicated in any of the records?

17 A I don't know why he didn't have one and  
18 it is not indicated in any of the records.

19 Q And I think in going out -- or, my  
20 initial comments, I am assuming you haven't seen  
21 this study that was done that came out yesterday, a  
22 detailed study of patients with long haul Covid,  
23 correct?

24 A No. While you were speaking, I did a

1 quick search through our Northwestern library. I  
2 would need the title and which journal it was in  
3 and then I can look it up. If you are going to  
4 present that, I would prefer that you send it to  
5 me. Either way, if I had the title, I can find it  
6 myself.

7 Q No, I was not going to present that. I  
8 think the point was I think I just found out  
9 yesterday it was out there. It is from a nonprofit  
10 organization called FAIR, F-A-I-R.

11 Anyway, I just wanted to make clear that  
12 none of us have reviewed this study. I believe it  
13 was done on 2 million people, which I think is one  
14 of the more comprehensive studies, assuming it was  
15 actually on 2 million people, correct?

16 A I think it depends on which 2 million  
17 patients they are looking at. I don't know that by  
18 what you are explaining to me. The article you  
19 sent me from the Mayo that was on 100 outpatients,  
20 who were selected with subjective complaints. Very  
21 few of those patients actually had any objective  
22 findings.

23 So it all depends on what group of people  
24 you're looking at and whether that sample was --

1       there was a controlled study or whether it was  
2       blinding. I would have to look at it. I would  
3       like to look at it so that we can answer those  
4       questions, but I can't say anything about it  
5       without seeing it. I can only comment on the two  
6       articles you sent me.

7               Q     I agree. This just came out yesterday.  
8       Obviously, I sent it to Vince. He can send it to  
9       you just for your own education moving forward.  
10      But the point is that no one has really looked at  
11      this particular study as of today.

12               MR. PINELLI: We understand that.

13               MR. MARCONI: You haven't seen that.

14               MR. PINELLI: Right.

15      BY MR. MARCONI:

16               Q     Okay. As far as the host of symptoms,  
17      which Lieutenant Ibata explained today, you didn't  
18      see any of those symptoms present in the medical  
19      records prior to his Covid infection, correct?

20               A     The only symptoms he had that I saw in  
21      the medical record that he's describing somewhat  
22      now, but they don't sound debilitating to him  
23      subjectively, is the rhinitis or the sinus issues.  
24      But, no, he sounds like he was an exceptionally

1 physically strong person, who did all kinds of  
2 vigorous activities. And, no, there was no  
3 complaint of shortness of breath that I saw.

4 MR. MARCONI: Vince, I don't have  
5 anything else.

6 MR. PINELLI: I have nothing further on  
7 that. Do you rest at this point, counsel?

8 MR. MARCONI: Yes, I would rest, subject  
9 to any of the Board's requests that we look at  
10 these further studies or bring in further evidence  
11 since this is such a novel issue which is before  
12 this Board.

13 MR. PINELLI: Okay.

14 MEMBER MURPHY: I would like to make a  
15 motion to grant Duty Disability Benefits to  
16 Lieutenant Ibata.

17 MEMBER MCPHILLIPS: Second.

18 CHAIRMAN FORTUNA: There is a motion to  
19 grant by Trustee Murphy. Seconded by Trustee  
20 McPhillips.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Holt.

24 MEMBER NANCE-HOLT: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.  
2 MEMBER SONI: Yes.  
3 CHAIRMAN FORTUNA: Trustee McPhillips.  
4 MEMBER MCPHILLIPS: Yes.  
5 CHAIRMAN FORTUNA: Trustee  
6 Conyears-Ervin.  
7 MEMBER CONYEARS-ERVIN: Yes.  
8 CHAIRMAN FORTUNA: Trustee Tebbens.  
9 MEMBER TEBBENS: Yes.  
10 CHAIRMAN FORTUNA: Trustee Valencia.  
11 MEMBER VALENCIA: Yes.  
12 CHAIRMAN FORTUNA: And I am a yes.  
13 Motion carries.  
14 MEMBER MURPHY: Mr. President, I'd like  
15 to make a motion for reexam consistent with the  
16 Board's policy over the next three months.  
17 MEMBER CONYEARS-ERVIN: Second.  
18 CHAIRMAN FORTUNA: There's a motion for  
19 reexam by Trustee Murphy. Seconded by Trustee  
20 Conyears-Ervin.  
21 Trustee Murphy.  
22 MEMBER MURPHY: Yes.  
23 CHAIRMAN FORTUNA: Trustee Holt.  
24 MEMBER NANCE-HOLT: 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                  MEMBER MURPHY:  Counsel has previously  
15                  sent around proposed Findings of Fact and  
16                  Conclusions of Law.  I would like to make a motion  
17                  to adopt those Findings of Fact and Conclusions of  
18                  Law in this matter.

19                  MEMBER SONI:  Second.

20                  CHAIRMAN FORTUNA:  There's a motion by  
21                  Trustee Murphy.  Seconded by Trustee Soni.

22                  Trustee Murphy.

23                  MEMBER MURPHY:  Yes.

24                  CHAIRMAN FORTUNA:  Trustee Holt.

1 MEMBER NANCE-HOLT: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 Mr. Ibata, based on the Findings of Fact  
16 and Conclusions of Law made by the Trustees, the  
17 Trustees have voted to grant you the benefit you  
18 have requested.

19 You will be notified by mail of the  
20 Findings of Fact and the Board's decision.

21 Good luck to you and hurry back to work.

22 MR. IBATA: Thank you, very much. I  
23 don't plan being off any longer than I need to.

24 Thank you, Board, I appreciate your time.

1 MEMBER MURPHY: I would like to move on  
2 to Approval of Board Physician Reviews of  
3 Disability Recipients. I move to approve the Board  
4 Physician's recommendations for reviews.

5 MEMBER NANCE-HOLT: Second.

6 CHAIRMAN FORTUNA: There is a motion by  
7 Trustee Murphy. Seconded by Trustee Holt.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Holt.

11 MEMBER NANCE-HOLT: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1                   MEMBER MURPHY: Mr. President, I'd like  
2 to turn the next item over to Lorna to Investments  
3 on the agenda.

4                   MS. SCOTT: I will ask Marc to share the  
5 screen, please.

6                   As we get started here, just a few  
7 updates. First the investment consultant contract.

8                   Just a reminder that the Board rehired  
9 Callan as its investment consultant in May and that  
10 was subject to successful contract negotiations.  
11 That contract has been successfully negotiated, we  
12 do have a final agreement.

13                   I think it should also be noted as part  
14 of those negotiations, Callan did drop its  
15 consulting fee by \$20,000 and that was in line with  
16 the lowest bidder, so that gesture was very, very  
17 much appreciated.

18                   The next little item is the Investment  
19 Committee Meeting. We do have a Investment  
20 Committee Meeting set up for the end of June. It  
21 is an education meeting and all trustees are  
22 encouraged to attend. There are two agenda items.  
23 Callan will present on infrastructure investing so  
24 that it is an asset class that may be added in our

1 next Asset Liability Study.

2 And, secondly, we're going to have two  
3 short presentations by our current real estate,  
4 core real estate, managers. Again, that is just to  
5 provide a market update. There is no issues there.

6 Again, June 30th, Wednesday, all trustees  
7 are encouraged to attend and the attendance would  
8 count towards your required trustee education  
9 hours.

10 Looking at this agenda, I have three  
11 topics I want to cover. I want to look at  
12 performance, the Callan review, and issue that we  
13 are currently having with a manager and Jackie and  
14 I will end with a review of our cash position and a  
15 look at the asset allocation.

16 Starting with performance. Next slide,  
17 Marc. This slide shows the state of the market as  
18 of thus far in 2021 as of May 31st. Look, these  
19 returns look great. These are some really, really  
20 nice returns.

21 You can see U.S. value stocks are  
22 dominating. They are up 19 percent. We are also  
23 getting some strong performance from commodities up  
24 18.9 percent.

1           Also, look at U.S. small caps. Those are  
2 up 15.3 percent. It's just a reminder that the  
3 Fund does have a tilt towards small cap stocks.  
4 Meaning, we are more heavily invested in small than  
5 the index.

6           This strong outperformance in this  
7 segment is going to be positive for the Fund.

8           Other performance items to note here,  
9 U.S. growth stocks, which drove performance last  
10 year, are lagging so far this year.

11           Also, one of the things is fixed income  
12 is negative, that is down primarily due to  
13 inflation concerns.

14           As a reminder, these are the index  
15 returns. We do believe in active management. We  
16 do expect more from our managers than these  
17 returns.

18           Next slide looking at Fund performance.  
19 Year-to-date the Fund is up 8.8 percent. It is  
20 outperforming the benchmark by about 90 basis  
21 points so it is a really solid start to this year.  
22 Our 10-year number still looks good, too, returning  
23 9.1 percent year-over-year. So far so good.

24           Let's take two minutes to talk about our

1 year-to-date outperformance, that is in the next  
2 slide. I can explain how we are outperforming.

3 It is a reminder we are going to perform  
4 differently than the benchmark. We will perform  
5 differently than the benchmark in two ways.

6 One way is asset allocation, that is why  
7 having slightly different weights than the  
8 benchmark then we are going to have slightly  
9 different performance.

10 We really don't expect a lot of  
11 performance differential from this part of  
12 performing differently from the benchmark. Most of  
13 our outperformance versus the benchmark, or  
14 different performance from the benchmark, hopefully  
15 outperformance will come from manager selection.  
16 That is what we are seeing this year as well. All  
17 of our outperformance versus the benchmark is  
18 coming from manager selection.

19 Then on the next slide, we can break that  
20 down a little further with some detail.

21 Year-to-date the Fund is up 8.8 percent.  
22 We can see that in column three. The benchmark is  
23 up 7.9 percent. We can see that in column four.

24 If we compare the returns for each of the

1 asset classes, looking at column three versus  
2 column four, we can see that our managers are  
3 outperforming their benchmarks in every asset  
4 class, except for public real estate.

5 It is really nice to have this  
6 outperformance broad based across the asset  
7 classes.

8 I will pause there for any questions.

9 Otherwise, just generally it is a very  
10 good start to the year with performance.

11 Turning to our MWDBE allocation, that is  
12 the next slide. We discussed we are under our  
13 goals for emerging managers and that remains on our  
14 radar. Things that we have to look at and do  
15 something about. We are at the upper end of our  
16 range of our total MWDBE allocation.

17 One last thing before I turn the  
18 presentation over to Brady, that is to take a look  
19 at our watchlist managers.

20 So we have two managers on watch, Keeley  
21 Teton and Globeflex. Remember, Keeley Teton is on  
22 watch due to a portfolio manager change.

23 Looking at these performance numbers,  
24 these returns look pretty good. This portfolio



1 seems to be on track but it doesn't hurt to  
2 continue to watch this portfolio.

3 A couple of lines down, you see  
4 Globeflex. Globeflex was on watch due to  
5 performance. The one year number looks good.  
6 There is still some work to do over the longer  
7 return given the performance there. We will  
8 continue to watch this manager as well.

9 As I transition over to Brady, let's take  
10 a look at Kennedy Capital just a few down from  
11 Globeflex. Kennedy was hired in May of 2011 so  
12 that is ten years now with FABF. There is some  
13 short-term underperformance but it is still a very  
14 strong absolute return, but generally a solid  
15 performance above the benchmark over the long  
16 return.

17 With that introduction, I will turn it  
18 over to Brady to talk about the current issue that  
19 we have.

20 MR. O'CONNELL: Thank you, Lorna.

21 We have got a memo here from Callan  
22 recommending to the Board that we place Kennedy  
23 Capital Management on the Fund's watchlist.

24 The memorandum from Callan details a

1 change in the portfolio management staff that  
2 Kennedy Capital made both Lorna and myself aware of  
3 several weeks ago. The Senior Portfolio Manager  
4 that has been on the account left the firm. As a  
5 result, the individual who had been the Assistant  
6 Portfolio Manager was elevated to Co-Portfolio  
7 Manager and they also added a second Co-Portfolio  
8 Manager from the firm. Somebody with experience  
9 managing microcap equity portfolios like this one.

10 So it is a new team and a slightly  
11 different portfolio management dynamic and we do  
12 anticipate a slight change in the way the portfolio  
13 will be managed as a result of this. So we will be  
14 watching the portfolio closely from a performance  
15 standpoint but we do believe the new team in place  
16 should be able to effectively manage this. We  
17 would like to give them the shot to do that and we  
18 will be evaluating their performance very closely.

19 Again, to summarize, it is Callan's  
20 recommendation that the Board place Kennedy Capital  
21 on the Fund's watchlist as a result of these recent  
22 portfolio management changes.

23 MEMBER MCPHILLIPS: Lorna, are you  
24 looking for that motion now?

1 MS. SCOTT: Yes, looking for that motion  
2 now.

3 MEMBER MCPHILLIPS: I would like to make  
4 a motion to put Kennedy on the watchlist at the  
5 direction and advice of the CIO and the investment  
6 consultant Callan. Do I have a second?

7 MEMBER MURPHY: Second.

8 CHAIRMAN FORTUNA: There is a motion by  
9 Trustee McPhillips. Seconded by Trustee Murphy.  
10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee  
15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 I think she had to take off.

1           And I am a yes.

2           Motion carries.

3           MS. SCOTT: The third item is our cash  
4 needs. I will turn that over to Jackie.

5           MS. VLAHOS: So for the June cash needs,  
6 we start with the cash reconciliation. As of June  
7 9th, we have approximately \$97.4 million. We are  
8 anticipating an additional \$1.8 million in salary  
9 contributions giving us a total of a little over  
10 \$99 million at the end of June.

11           Our benefit payments for this month are  
12 \$31.5 million. We have, with our outstanding  
13 checks, the refunds that we will be providing this  
14 month to members, Death Benefits, bring us to the  
15 expenditures for the month of June \$33.7 million.

16           After we pay that out, as of June 30th,  
17 we should have a surplus of approximately \$65.5  
18 million in our Chase account.

19           If we go to the next page, for the cash  
20 flows. Cash flows, as you can see, is basically as  
21 of June, after we get our \$1.8 million in our  
22 benefit payouts, on the top line, you're going to  
23 see at the ending balance of the \$65.5 million  
24 should be our balance. As well as you can see

1 that, as we discussed before, there should be no  
2 further drawdowns from investment managers due to  
3 the new funding that went into place this year.

4 As well as if you can see under the  
5 average tax receipts so far what was due to us this  
6 years was the \$371 million and we have  
7 approximately \$124.4 million left to still be  
8 collected so we are doing pretty good as to where  
9 we should be at. We are a little bit ahead of  
10 schedule than what we would normally anticipate.

11 Lorna, are you going to try to transfer?

12 MS. SCOTT: I am not going to transfer  
13 anything, if we want to take a look at the  
14 Rebalancing Statement.

15 MEMBER SONI: Can I mention one thing  
16 before we go there and that is I heard some  
17 rumblings that the County may do the same thing as  
18 what they did last year, which was issue out bills  
19 for the second half for property taxes in July and  
20 ask for an August 1st payment but give a grace  
21 period of two months. And that impacted us a bit  
22 but I think by the end of the year we were okay.  
23 That's not something that has really taken flight  
24 or we have heard a lot more than just a little bit

1 of a rumbling. That was also like through a media  
2 FOIA that the City had gotten.

3 I just mention that to say we should keep  
4 track of what the County is doing in terms of any  
5 changes in collections or timing of collections.

6 Then my other question, Jackie, to you,  
7 and this might be a coincidence, where it says  
8 average tax receipts for June '21 of \$1.85 million,  
9 is that tax receipts or is that the contribution  
10 from the City for employees?

11 MS. VLAHOS: Sorry, you are right, that  
12 is in the wrong column. The payroll contributions  
13 it is in the tax column but it should have been in  
14 payroll.

15 MEMBER SONI: In terms of cash flow, it  
16 wouldn't making an impact.

17 MS. VLAHOS: Yes.

18 MEMBER SONI: That is perfect. Thank  
19 you.

20 MS. VLAHOS: One comment, Reshma, I know  
21 you're saying that even if they do an extension, I  
22 think the good thing is with the City you were  
23 giving us a lot more in these other contributions.  
24 It still makes us ahead of schedule from where we

1 would have been in prior years. Before we would  
2 get -- like in the PPRT taxes, we would usually get  
3 about \$14 million. Now we're getting 100 plus  
4 million dollars from these other sources, that we  
5 have already gotten. So we are still kind of ahead  
6 of schedule, even if the tax receipts come a little  
7 slower in the second half.

8 MEMBER SONI: Yes, exactly. Hopefully,  
9 that helps from an investment standpoint being able  
10 to earn something on those funds coming in. So,  
11 absolutely, agree. Thanks, Jackie.

12 MS. VLAHOS: Thank you.

13 MS. SCOTT: Marc, if you want to pull up  
14 the rebalancing template.

15 As we said, we do not have to raise cash.  
16 With \$65 million at Chase right now, that means we  
17 are probably pretty good at least until the end of  
18 September.

19 Using this template, let's take a look at  
20 our asset allocation. So it's just basically  
21 comparing where we are versus our targets.

22 If we look at that last column, that is  
23 the variance. Within equities, we are above target  
24 in U.S. equity and global ex-U.S. That is offset

1 by being under target in private equity. But,  
2 generally, total equities look good. We are under  
3 target in real assets and liquid diversifying and  
4 that is offset with a slight overweight in cash.

5 So, generally, again, everything looks  
6 good here. We are broadly in range of our asset  
7 allocation targets so on track.

8 We talked about performance, we talked  
9 about the manager issue and we have reviewed our  
10 cash asset allocation, so that pretty much sums up  
11 the investment report. With that, I conclude.

12 MEMBER MCPHILLIPS: What is the plan to  
13 do with that extra \$65 million since it doesn't  
14 look like we will be short on cash until January of  
15 2022?

16 MS. SCOTT: The \$65 million that is in  
17 Chase now, that is going to pay -- that is after  
18 June payments. That is going to pay for July and  
19 August, that is two months of benefit payments.

20 At that point in time, we have to see  
21 some money coming in before we know exactly what is  
22 going to happen.

23 So there is Jackie's projections. Like  
24 Reshma just said, there might be some timing



1 difference of some of that.

2 So I look more at, if nothing comes in,  
3 the end of September where am I going to get cash,  
4 that is more my concern.

5 I think you are looking ahead at the  
6 projected numbers but I don't really know the  
7 timing on those yet.

8 To answer your question, some of the cash  
9 will stay at the Chase. It is going to earn  
10 checking account interest.

11 As we have more and more cash accumulate,  
12 we may be able to roll it over to the investments  
13 and invest it over here.

14 MEMBER MCPHILLIPS: Can we go back to the  
15 previous slide with the cash projections? So as of  
16 now at the end of June, we are anticipating \$65  
17 million?

18 MS. SCOTT: Yes.

19 MEMBER MCPHILLIPS: July, we anticipate  
20 getting more money in. We will be up to 70, then  
21 up to 107 by the end of August. Is that right,  
22 August?

23 MS. SCOTT: The timing might be  
24 different, right. Like July we have got \$33

1 million coming in tax receipts. I don't think tax  
2 bills have gone out yet. At least I haven't seen  
3 mine. I don't know how much money will come in,  
4 in July. Maybe that gets pushed a little further.

5 Yes, we are expecting tax receipts.  
6 Maybe that is July, maybe that is August, maybe  
7 that is September. Like Reshma said, maybe it is  
8 October.

9 The timing of these cash flows is a  
10 little bit undetermined at this point. Definitely,  
11 if cash is raised, and we have cash to be invested  
12 or to be held for benefit payments, we will be  
13 weighing that.

14 MEMBER MCPHILLIPS: So the decision to  
15 not invest that money is based on the uncertainty  
16 of the timing of those tax receipts? If they were  
17 certain, you would be investing that money, is that  
18 a correct assumption?

19 MS. SCOTT: We would be looking at what  
20 we could do with it, right. Because, again, yields  
21 are very low and knowing that this cash is going to  
22 be used to fund short-term benefit payments, I  
23 would be hard pressed to put it in something that  
24 is too volatile.

1 MEMBER MCPHILLIPS: I understand that but

2 --

3 MS. SCOTT: We would be looking at what  
4 we could do with it over a -- if we were going to  
5 -- very much like we have already done. If we were  
6 going to hold cash for four, five, six months, we  
7 have invested cash with Earnest and we have got  
8 money invested at Northern.

9 We are kind of picking off what we can  
10 but we are being very conscientious because we know  
11 that money is being used for short-term benefit  
12 payments.

13 MEMBER MCPHILLIPS: If you look at this  
14 schedule, we are going to have cash for quite  
15 awhile, the ending balance, all the way until  
16 January '22. So I just want to make sure I  
17 understand your logic. Your concern is that these  
18 average tax receipts may not be coming in, based on  
19 this schedule. It may be a little later.

20 MS. SCOTT: Correct.

21 MEMBER MCPHILLIPS: Fair enough. Thank  
22 you.

23 CHAIRMAN FORTUNA: Is there a motion to  
24 accept the Investments?

1 MEMBER MURPHY: I'd like to make the  
2 motion.

3 MEMBER MCPHILLIPS: Second.

4 CHAIRMAN FORTUNA: Motion by Trustee  
5 Murphy. Seconded by Trustee McPhillips.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: Yes.

10 CHAIRMAN FORTUNA: Trustee  
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Mr. President, moving to  
22 Item 7, under Miscellaneous, we are now going to  
23 hear from our actuaries and our auditors for the  
24 fiscal year 2020 reports.

1 Sarah, would you please introduce this?

2 MS. BOECKMAN: Thank you, Secretary  
3 Murphy.

4 Is Matt, Ben and Jacob on from Segal?

5 MR. TORRES: I have Benjamin and we have  
6 Matt. I will let them in now.

7 MS. BOECKMAN: Hi, Matt. Hi, Ben.

8 MR. STROM: Good afternoon. How is  
9 everyone?

10 MS. BOECKMAN: Your presentation has been  
11 provided to the Board. If you would like it to be  
12 shown on the screen, Marc can definitely do that,  
13 if that is helpful.

14 I did let the Board know that you are  
15 thinking about 10 to 15 minutes for your  
16 presentation, but that you're happy to answer any  
17 questions.

18 The actual report, all 118 pages of it,  
19 is in your board material. If board members need  
20 to look at it, they can, but I think the focus  
21 today is just going to be on your presentation and  
22 any questions that the trustees have. Thank you  
23 for both joining us.

24 MR. STROM: Good morning, everyone. We

1 do have myself and Ben. We are actuaries that work  
2 on the annual valuation. Because we're going to do  
3 kind of an abridged presentation, we are just going  
4 to go over the highlights of market valuation, take  
5 a quick look at the membership, which is one of the  
6 input items that drives the liabilities, and then  
7 our output items of the required contributions,  
8 things like the funded ratio, and then look at the  
9 asset level.

10 We do have an appendix, that we won't go  
11 through. It has some of the background  
12 information. And just to kind of refresh your  
13 memory on some of the terms that we will use --

14 MS. BURNS: Matt, can I interrupt you and  
15 ask you to speak up?

16 MR. STROM: Definitely. Is that okay,  
17 Mary Pat?

18 So the appendix has some descriptions of  
19 terms like accrued liability, that is going to be  
20 your liability for all past service earned to-date  
21 and we're going to use a term of normal cost which  
22 is the value of benefits that are earned during the  
23 year. The value of benefits assigned to the  
24 current year as well as the term actuarially

1 determined contribution which is effectively how  
2 you would pay for your unfunded liability and  
3 normal cost over time.

4 So with that, we can look at the next  
5 slide. The purpose of the valuation, again this is  
6 a snapshot, this goes back to 12-31 of 2020, is to  
7 report the Fund's actuarial assets.

8 Your market value of assets are reported  
9 by your investment advisors and your investment  
10 consultants. You are allowed for funding purposes  
11 to use a smooth value of assets, what we call the  
12 actuarial assets, and what this does it mitigates  
13 some of the volatility that you would see  
14 year-to-year and then the sponsor can have a smooth  
15 pattern versus the market value which you know  
16 swings widely from year-to-year.

17 We calculate the liabilities, we  
18 calculate this actuarially determined contribution  
19 and the statutorily required contribution, and we  
20 compare those amounts.

21 And then, of course, this valuation is as  
22 of 12-31-20. We did one as of last year and we  
23 want to compare the differences between the two  
24 valuations as we true-up from year-to-year.

1           On Slide 4, these are the highlights. So  
2           on a market value basis, the assets returned  
3           roughly 11.4 percent during 2020. And if you look  
4           at the actuarial value from year-to-year and back  
5           into a return, there was an implicit return of 9.3  
6           return on the actuarial assets and compared to the  
7           assumption of 6.75 percent there was an investment  
8           gain on the asset side.

9           On the liability side, of course, the  
10          liabilities increased due to that normal cost of  
11          the benefits accruing, the passage of time, the  
12          interest on the liability. There was also --  
13          again, we true-up the experience with the new  
14          valuation and we have assumptions from year-to-year  
15          and the assumptions are not always -- they are  
16          never met exactly and so when we do the true-up we  
17          report back on how the liability changed compared  
18          to expected.

19          There was an experience loss, which was  
20          primarily driven from salaries that were higher  
21          than expected, so that contributed to about 2.8  
22          percent loss.

23          The funded ratio on a market value basis  
24          increased from last year at 19.9 percent compared



1 to 18.4. On an actuarial value basis, it increased  
2 from 18.2 percent to 19.4 percent.

3 The actuarial value, the smooth value, is  
4 still a little bit less than market. So as we go  
5 forward in years, those deferred gains will be  
6 brought into the actuarial asset calculations. You  
7 have a little bit of a cushion there on the asset  
8 side.

9 Then the contributions, there is a table  
10 down here. So this year's valuation is calculating  
11 the statutory required contribution for the tax  
12 levy year 2022, that number is \$398 million.

13 Last year's valuation, we calculated the  
14 amounts for the 2021, which was \$367 million.

15 The actuarially determined amounts are  
16 calculated with the valuation so this year's  
17 valuation we calculated an actuarially determined  
18 contribution 4-21 of \$476 million, that would be  
19 compared to the \$367 million in the 2021 column,  
20 and then from the 2020 levy year, the contribution  
21 requirement was \$371 million and compared to an  
22 actuarially determined amount of about \$467  
23 million.

24 MEMBER CONYEARS-ERVIN: Matt, while we

1 are on this, and this is a great graph, at the  
2 bottom, but I'd like you to elaborate just for  
3 those that on the line, I notice this in my other  
4 pension funds and this can be confusing. To  
5 explain why is it that the statutory contribution  
6 is much less than the actuarial contribution  
7 requirement.

8 MR. STROM: This is a great question and  
9 I do want to talk about this. As you know, by  
10 statute, the contributions will -- they used to be  
11 a multiple of -- the City was required to pay a  
12 multiple of member contributions, which really has  
13 no reference to the normal cost of the plan, the  
14 accrued liability.

15 Then there was the funding bill that came  
16 in which provided for ultimately a 90 percent  
17 funding target in 2055 I think is the year and then  
18 there was a ramp to get to that point. That is  
19 what the City says is what the -- that is what the  
20 statute says the City contributions should be.

21 From a trustee's perspective, you have  
22 the ability and you should have an actuarially --  
23 like a funding policy contribution. Ignoring  
24 whatever someone else says what the law says to put

1 in, what would be an amount that would probably  
2 fund the plan and that is all defined by the Board.  
3 So what would be the amount that we would like to  
4 put in?

5 I will use an example. I had a Home  
6 Equity Line of Credit for an amount and the  
7 statements that I got for that HELOC was just to  
8 pay the interest on the liability, but I knew that  
9 I wanted to pay off the HELOC so I calculated my  
10 own amount.

11 So that would be like my funding policy  
12 funding was an amount that I wanted to pay that off  
13 over a 10-year period. I was paying more than that  
14 amount.

15 You have in your purview to set a funding  
16 policy contribution. And what that amount is it is  
17 the normal cost of the plan so the value of  
18 benefits being accrued during the year and an  
19 amortization of unfunded liability.

20 The amortization is based on a 30-year  
21 rolling, and using my HELOC example, or mortgage  
22 example, it would be like refinancing every year  
23 over a 30-year period, but it is based on a level  
24 dollar contribution amount so almost exactly like a

1     refi every year. So you're always pushing out the  
2     target but it is targeting 100 percent liability  
3     over a 30-year period. That is where you are  
4     seeing -- so the difference between the statutory  
5     amount and the actuarially determined contribution  
6     was probably much larger several years ago,  
7     especially when it was the contribution multiple  
8     was the statutory amount.

9             Now that it's based on the 90 percent  
10     target amount over 2055, it is closer but there is  
11     still a shortfall there. That is kind of what  
12     those two metrics are.

13             The ADC is the amount, that as your group  
14     of Trustees say, this would be the amount that we  
15     ideally would like to see be made in order to  
16     properly fund the plan over a certain period of  
17     time.

18             I don't think that those provisions from  
19     like the level dollar, the 30-year period, the  
20     rolling, I don't think those have been revisited.  
21     It probably should be revisited at some point to  
22     come up with a revised board funding policy.

23             MEMBER CONYEARS-ERVIN: The state had  
24     good intentions, right, on the statutory

1 contribution amount?

2 MR. STROM: Yes.

3 MEMBER CONYEARS-ERVIN: At the end of the  
4 day, while it may, like you say, get us closer,  
5 based upon our actuary valuation, it will not  
6 necessarily probably get us to be made whole, if I  
7 can say that in lack of a better term.

8 MR. STROM: I think that is spot on.  
9 Again, our stake as the actuary, we are not paying  
10 the bill but I look at -- with a 90 percent target,  
11 the retirees don't want 90 cents for every dollar  
12 that they are owed.

13 At some point everyone is going to want  
14 make sure there is enough money to receive their  
15 checks.

16 There is ways to setup an actuarially  
17 determined contribution that is reasonable for all  
18 the stakeholders, the taxpayers, the members.

19 In my opinion, a 30-year rolling with a  
20 level dollar admortization is on the outside bounds  
21 but I still think that is okay. Would it pay down  
22 principal?

23 I mean, again, people refinance their  
24 houses all the time. I just did it a couple of

1 months ago and got a new 30-year mortgage.

2 Where entities got in trouble with this  
3 actuarial contribution work, they would have a  
4 30-year rolling period and then they would amortize  
5 it over a level percentage of payroll which back  
6 loaded contributions. That is how a lot of public  
7 sector funds got underfunded because they thought  
8 they were paying an actuarial amount but it was  
9 paying interest on the unfunded liability so they  
10 were never going to pay it off.

11 I think the goal of the Board would be at  
12 some point in time we want to target 100 percent  
13 over a reasonable time period.

14 MEMBER CONYEARS-ERVIN: Got it. Thanks  
15 for the clarification.

16 MR. STROM: Thank you for introducing  
17 that topic, I really did want to talk about it.

18 As far as the details, we can move on to  
19 the next slide. Again for membership, this is a  
20 snapshot of the membership from this year's  
21 valuation compared to last year.

22 And a slight uptick in the number of  
23 members but this will highlight the average  
24 pensionable salary for members. Almost 8 percent

1 increase in average salaries so that kind of  
2 highlights what lead to that demographic loss  
3 because I think the assumption on average is  
4 probably closer to like 3 percent.

5 My suspicion is that had something to do  
6 with a contract or something coming up and we  
7 probably saw gains for a couple of years. Over the  
8 long-term, we expect the assumption to be on  
9 average but on a year-to-year basis it won't be the  
10 same so we do expect gains and loses.

11 On the retirees and beneficiaries, a  
12 slight increase there of 2 percent. The average  
13 monthly benefits increased by 3.3 percent.

14 On Slide 6 are the valuation results.  
15 Again, here's that accrued liability number that we  
16 mentioned. Last year's was 6.25, that increased to  
17 6.5. We expected it to increase because there were  
18 benefits accrued. There was one year less of  
19 interest discounting on the liability and then we  
20 had the loss that was baked in there.

21 Those are the actuarial value assets on  
22 the next line. 1.1 billion that increased to  
23 1.276 so I think the market is over  
24 1.3. The difference there is that deferred gains,

1 that will be reflected in the next couple of years  
2 as a cushion.

3 Of course, the liability minus the assets  
4 leaves you with the unfunded liability. That  
5 increased from \$5.1 billion to almost \$5.3 billion.  
6 About \$175 million increase in the unfunded.

7 As we mentioned before, the funded ratio,  
8 which is the assets over the liabilities, did  
9 increase from 18.2 to 19.4 percent.

10 The next few slides to take us home are  
11 some graphs and I'd like these graphs because we  
12 are showing a little bit of history, the current  
13 year result, and then a little bit of projection.  
14 The projection is based on -- of course, the  
15 statutory contribution relies on a projection so we  
16 are taking the first few years to show the  
17 trajectory.

18 Again, the green side on the left are the  
19 actuals. The blues on the right are the projected  
20 amounts. These are the required employer  
21 contributions.

22 So you can see the number for 2022 is  
23 \$398 million and that is calculated with this  
24 valuation. The 367 was actually calculated with



1 last year's valuation. But the numbers for '23,  
2 '24 and '25 are almost straight lined and that is  
3 by design. That is part of the statutory policy,  
4 which is to increase contributions as a percentage  
5 of pay.

6 As our payroll increases, and it is  
7 roughly about -- it averages about 2.5 percent so  
8 those amounts projected in the future increase  
9 around the same amount.

10 MEMBER SONI: I have one question about  
11 2016, that went down quite a bit. I don't remember  
12 it going down so much. Do we know why it was such  
13 a large drop like \$82 million?

14 MS. VLAHOS: The issue that happened  
15 there -- Matt, do you know the answer?

16 MR. STROM: I don't.

17 MS. VLAHOS: So the issue that happened  
18 there, that is where we had a different funding  
19 mechanism at the time, and I believe it was like  
20 similar to the ARC funding and then they went  
21 through and they changed it. So we had already did  
22 like the reporting for Financials of the  
23 receivables, based on ARC funding, and then they  
24 went and changed the funding to those statutory

1 amounts like 199 so basically the next year we had  
2 to reverse the difference of the receivable that we  
3 had originally.

4 MEMBER SONI: That's right, it went back.

5 MS. VLAHOS: That is what it is, it is  
6 accounting.

7 MR. STROM: I remember now. There was a  
8 funding provision that was put in and then it was  
9 overturned. So if you were to go back a little bit  
10 further, I think the amounts are closer to the \$150  
11 million than the 236.

12 MEMBER SONI: Okay, thank you.

13 MR. STROM: On Slide 8, again, this is a  
14 graph of the funded ratio was declining and then  
15 these higher contributions kicked in by the  
16 statutory funding. So now we are expecting an  
17 increase from last year to this year and all other  
18 things being equal, meaning the assumptions coming  
19 true and of the course one of those that is the  
20 most important is the 6.75 return on investments,  
21 we do expect a gradual improvement of that over  
22 time, if you were to extend -- Actually, later on  
23 in the appendix, it is a projection of this out to  
24 the end of the statutory period. Of course, it is

1 projected to hit 90 percent as you get out towards  
2 the funding date.

3 Lastly, on Slide 9, is a look at cash  
4 flow. Which is interesting because in the recent  
5 history, if you look at the red line is benefit  
6 payments of refunds and admin expenses compared to  
7 the purple which is the historical total  
8 contributions, that is going to include the City's  
9 contributions plus the member contributions.

10 There was negative cash flow. In 2020  
11 was actually the first year of positive cash flow  
12 and it looks like there is projected to be positive  
13 cash flow for the next several years. It is kind  
14 of a change there but that is good and that's how  
15 the funding is going to improve over time.

16 I mentioned the appendix. We won't go  
17 through any of that.

18 I know, Sarah, you mentioned the full  
19 valuation report. The interesting things in there,  
20 there is a section on risk, which is a requirement  
21 to include in an Actuarial Report, just to identify  
22 the different risks. Again, market returns.  
23 Longevity of members is a big risk for the fund.  
24 So if members live longer than what is assumed, the

1 cost of the plan actually will be higher.

2 It is an interesting section. Part of  
3 that section in the report talks about a detailed  
4 risk analysis. And that would be things like if  
5 you were interested in the different risks, you  
6 know. What if contributions, if the \$400 million  
7 amount, what if that amount is put in indefinitely  
8 and that would be the amount. What kind of impact  
9 does that have. What if the returns for the next  
10 20 years looked like the returns for the past 20  
11 years. What kind of impact does that have on the  
12 contribution levels.

13 If things like that would be of interest,  
14 those definitely are the type of modeling we can do  
15 and show you. Some of that we can even do in a  
16 live setting so we can look at different scenarios  
17 and run those live.

18 Really that is the end of what we wanted  
19 to talk about, just go over these results at a high  
20 level. Let us know if there is any questions.

21 MS. BOECKMAN: Thanks, Matt. Do any  
22 board members have any questions?

23 MEMBER MCPHILLIPS: I do, Matt, if you  
24 don't mind. I don't know who is controlling this,

1 but can they turn to Page 15?

2 Matt, really quick, on year 2022, which  
3 is next year, am I reading this correctly? The  
4 normal cost which is, what, \$65.1 million, that  
5 represents the cost of providing benefits just that  
6 year for the active members?

7 MR. STROM: It does, except for it is  
8 already net of the expected member contributions.  
9 So the actual cost of benefits accrued is higher  
10 than that and then whatever the member  
11 contributions look like they are expected to be  
12 about \$50 million so it is like the normal cost is  
13 95 but then the employer's normal cost is net of  
14 expected member contributions.

15 MEMBER MCPHILLIPS: The City is going to  
16 statutorily be required to contribute \$398 million?

17 MR. STROM: Mmm-hmm.

18 MEMBER MCPHILLIPS: Is it safe to say  
19 that extra, whatever it is, \$343 million, which is,  
20 what, six times higher than the employer normal  
21 cost, is strictly attributed to paying off the  
22 unfunded liability?

23 MR. STROM: Yes, that's right.

24 MEMBER MCPHILLIPS: Okay, thank you.

1           MEMBER MURPHY: I'd like to make a motion  
2 to accept and file the fiscal year 2020 Actuarial  
3 Report as presented.

4           MEMBER MCPHILLIPS: Second.

5           MEMBER TEBBENS: I have a question on the  
6 Actuarial Report. Sarah, I talked to you a little  
7 bit. I had a conversation about Local 2, which has  
8 requested information on the birthday rule and the  
9 impact that would have on funding and maybe you can  
10 update me and the Board on that.

11           MS. BOECKMAN: Yes, Trustee Tebbens.  
12 Like I mentioned, that is not included in this  
13 report because the effective date of that Public  
14 Act fell outside the years that the actuaries were  
15 reviewing. But it is something that the actuaries  
16 are planning on reviewing and we will report back  
17 to the Board as soon as they have completed that  
18 report which I would anticipate would be soon.

19           MEMBER TEBBENS: It's going to be again  
20 independent of this report. We were hoping to get  
21 it in this report and it's going to be independent  
22 then.

23           MS. BOECKMAN: Correct.

24           MEMBER TEBBENS: Thank you.

1 MS. BOECKMAN: Of course.

2 CHAIRMAN FORTUNA: There is a motion by  
3 Trustee Murphy and seconded by Trustee  
4 McPhillips.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Holt.

8 MEMBER NANCE-HOLT: Yes.

9 CHAIRMAN FORTUNA: Trustee  
10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee 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: Moving on to Item 8,  
21 Expenditures.

22 MS. BOECKMAN: I apologize, Secretary  
23 Murphy. I just wanted to mention with respect to  
24 the Financial Statements and the report from the

1 auditors, first, I'd like to give kudos to Jackie  
2 and John, who put in a lot of long hours working  
3 with the auditors, trying to get them to finalize  
4 their report by this board meeting.

5 Consistent with your past practice,  
6 normally the Financial Statements are final by the  
7 June board meeting and are presented by the  
8 auditors.

9 As you know, you have new auditors this  
10 year and unfortunately they were unable to complete  
11 the Financial Statements by today's meeting. We  
12 are, obviously, very disappointed by that but they  
13 will be presenting at the July meeting.

14 I will note that we have been in  
15 communications with the City and Trustee Soni to  
16 make sure that the City does get what information  
17 that it needs in order to complete the work on the  
18 City's end. And, we will, of course, continue to  
19 do that, but I did want the board to be aware that  
20 unfortunately the auditors were unable to complete  
21 their report. They will be presenting at the July  
22 meeting.

23 MEMBER SONI: Sarah, thank you. We do  
24 need a full set of Financials to be able to issue.



1 Jackie, to your point, has really been  
2 pushing and following up in her regular role of  
3 doing her work as comptroller and then also  
4 auditing the auditors, right, looking at the  
5 Financials and making the numbers tie out and all  
6 those kinds of things.

7 We do need Financial Statements to be  
8 able to issue our report. So even if it is a  
9 draft, but we know that the numbers are not moving,  
10 at this point this is the only fund that is left  
11 for providing Financials.

12 Again, the FABF team has been fantastic.  
13 Jackie has really been pushing. I think this is  
14 really to the auditors that we need to tell them  
15 this was the deadline we gave to them and they had  
16 committed when we brought them on board that they  
17 would meet this.

18 On top of that, we have seen errors in  
19 terms of tying information from Jackie and our  
20 office as well.

21 So I say all that to the members so they  
22 know that even with this detailed scrub and the  
23 fact that we are at the middle of June, we still  
24 don't have a set of draft Financials that are even

1     trying to various schedules within the Financials.  
2     And I think we need to make it really known to the  
3     auditors that we all are here spending until one,  
4     two o'clock in the morning every day trying to get  
5     our stuff done. They need to burn the midnight oil  
6     to get their part done.

7             MS. BOECKMAN: I cannot agree more,  
8     Trustee Soni. Thank you for those comments and we  
9     have definitely expressed our frustration to the  
10    auditors from the staff level but we will do it  
11    from the board level as well and let them know that  
12    the Board was extremely disappointed and that it  
13    directly impacts the City as well.

14            I will note that they have indicated that  
15    they will be finalizing the Financial Statements  
16    this week. It will be in draft form because it  
17    will be subject to the Board formally accepting it  
18    at the July meeting. But we will continue to push  
19    them, Trustee Soni, so the City gets the  
20    information it needs. I could not agree more with  
21    you.

22            MEMBER SONI: I just want to say, Sarah  
23    and Jackie, thank you so much for really pushing  
24    for this and I know you're spending a lot of hours

1 to get this done, especially Jackie, so thank you.

2 MS. BOECKMAN: Thank you for your work.

3 MEMBER MCPHILLIPS: If I can, Trustee  
4 Soni, this is Trustee McPhillips, do you think now  
5 might be the time to consider whether or not we  
6 want to continue this relationship with our  
7 auditors?

8 MS. BURNS: If I may, let's deal with  
9 that after we get these Financial Statements  
10 finished. Certainly, it will be a subject, Trustee  
11 McPhillips, that we will have on the agenda.

12 MEMBER MCPHILLIPS: Can you repeat that,  
13 Mary Pat?

14 MS. BURNS: Yes, it is something that I  
15 would suggest from a legal perspective that we let  
16 them finish their existing audit report before we  
17 bring up the issue of termination or have any  
18 discussion regarding what you, as a board, decide  
19 to do in July.

20 We will put that on the agenda for  
21 discussion because it is worthy of discussion. I  
22 don't believe they have met their contractual  
23 requirements to us but we want to get these  
24 Financial Statements done.

1           So can you give us a little patience and  
2 we will bring the matter you raised back in July?

3           MEMBER MCPHILLIPS: We will put that on  
4 the agenda in July.

5           MS. BURNS: Yes, sir. Thank you.

6           MEMBER MURPHY: Moving on to Item 8,  
7 Administrative Expenses for Board review and  
8 approval. I'd like to make a motion to approve the  
9 Administrative Expenses as they are presented.

10          MEMBER NANCE-HOLT: Second.

11          CHAIRMAN FORTUNA: Motion by Trustee  
12 Murphy. Seconded by Trustee Holt.

13          Trustee Murphy.

14          MEMBER MURPHY: Yes.

15          CHAIRMAN FORTUNA: Trustee Holt.

16          MEMBER NANCE-HOLT: Yes.

17          CHAIRMAN FORTUNA: Trustee

18 Coneyears-Ervin.

19          MEMBER CONYEARS-ERVIN: Yes.

20          CHAIRMAN FORTUNA: Trustee Soni.

21          MEMBER SONI: Yes.

22          CHAIRMAN FORTUNA: Trustee McPhillips.

23          MEMBER MCPHILLIPS: Yes.

24          CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: Moving on to Item 9, the  
5 Interim Executive Director's Report. Sarah,  
6 please, proceed.

7 MS. BOECKMAN: Thank you. If it is okay  
8 with the Board, I know that Brandon Phelps is on  
9 the phone. Is it okay if we go out of the regular  
10 order of business and have Brandon present the  
11 legislative report?

12 CHAIRMAN FORTUNA: Please.

13 MS. BURNS: Brandon, could you present  
14 the legislative end of session report to the Board,  
15 please?

16 MR. PHELPS: Yes, thank you, Sarah.  
17 Thank you, Mary Pat, and to all the board members.

18 Brandon Phelps here waiting for Committee  
19 so we're at the capital today. The Senate was in  
20 yesterday. The House is in today. It doesn't look  
21 like they are going to go past today.

22 They did not get an energy bill done. I  
23 know you probably read a lot of the media reports.  
24 The energy bill right now is dead.

1 I was with Leader Hoffman last night. He  
2 thinks that they are going to do some negotiations  
3 over the summer.

4 The Budget was completely done. They had  
5 to go back in yesterday. Governor Pritzker did the  
6 minutes on the veto on the Budget. It was messed  
7 up on some dates. They went in yesterday and  
8 corrected that and the House is going to follow  
9 suit today. I don't see the House doing much today  
10 but the Budget.

11 But other than that, Sarah, I think you  
12 wanted me to talk about House Bill 3004. That is  
13 the one where they were really going after the  
14 Chicago Public Schools on the Board. And what it  
15 more or less says is that if you are a board member  
16 now on any kind of pension fund, you cannot go and  
17 be an employee of that fund for 12 months. At one  
18 time, to the Board, one time that that was really  
19 getting really more restrictive, they were going to  
20 do five years but they got it down to just 12  
21 months.

22 If you are an active board member now,  
23 you have to wait 12 months to become an employee of  
24 the fund that you were a board member of.

1           It passed both houses, and the House, 118  
2           to zero. In the Senate, it was 59 to zero. We  
3           think the Governor is going to sign that bill  
4           pretty soon.

5           Sarah, I didn't know if there was any  
6           questions on that. Really there is not much going  
7           on this week. There will be negotiations through  
8           the summer. The remap is done. They will have to  
9           come back to do the congressional remap but that  
10          will be a later date.

11          MEMBER CONYEARS-ERVIN: Did they pass the  
12          elected school board issue, Brandon?

13          MR. PHELPS: That is going to happen  
14          today. They are going to finish that up today but  
15          it will be elected, absolutely. They are trying to  
16          work some things out with the Mayor, to be honest  
17          with you. It is has really caused a lot of  
18          problems between members on that issue. A lot of  
19          friendships are a little upset right now.

20          MS. BOECKMAN: Any other board members  
21          have any questions for Brandon?

22          MEMBER MURPHY: Not right now.

23          MS. BOECKMAN: Thank you, Brandon.

24          MEMBER MURPHY: Getting back to Item 9,

1 the Interim Executive Director's Report, Sarah.

2 MS. BOECKMAN: Thank you, Secretary  
3 Murphy. I believe we are actually going to talk  
4 about the two items in legal so I have nothing to  
5 report.

6 I would like to note that Mr. Weller is  
7 joining us today. We're very excited for him to  
8 start. I will be the most excited. So effective  
9 July 1st, Kelly will be the new Executive Director  
10 here at the Fund.

11 I just want to thank the Board again for  
12 the opportunity to serve you. During this period  
13 of time, it's been an honor. And we will, of  
14 course, continue to help Kelly in any way he deems  
15 appropriate. But I will be putting my legal hat  
16 back on and I am happy to answer any legal  
17 questions the Board may have in the future so thank  
18 you for the opportunity.

19 CHAIRMAN FORTUNA: Thank you, Sarah.  
20 Thank you, very much.

21 MEMBER MURPHY: Thank you.

22 MEMBER NANCE-HOLT: Thank you, Sarah.

23 MS. BURNS: In your board packet,  
24 consistent with Kelly taking over as Executive



1 Director, it occurred to us that perhaps you would  
2 want to see the current Organizational Chart for  
3 your Firemen's Fund, to make sure you are  
4 comfortable with it and actually formally approve  
5 it prior to Kelly starting.

6 We couldn't find any record that you had  
7 done that before. I don't know, Trustee  
8 McPhillips, if you remember if we have ever done  
9 that. We couldn't find any record of it.

10 Here before you is the current  
11 Organizational Chart. What we have done on this  
12 Organizational Chart is we added Kelly. And then  
13 consistent with the Board's direction, we changed  
14 Lori's title effective July 1st. As you know as of  
15 July 1st she's going from the title of Deputy  
16 Director to clarifying it to Deputy Executive  
17 Director, that is consistent with the direction the  
18 Board had given us earlier.

19 The rest of the changes to the chart are  
20 where we filled in the names of employees in the  
21 specific positions so you could see who is working  
22 for the Fund and what positions are vacant right  
23 now and which ones are filled.

24 Unless there are questions, what I would

1 recommend, Trustee Murphy, is a motion to adopt the  
2 2021 Organizational Chart as presented.

3 MEMBER MURPHY: I'd like to make the  
4 motion as presented by counsel to approve the  
5 revised Organizational Chart as presented.

6 MEMBER NANCE-HOLT: Second.

7 CHAIRMAN FORTUNA: There is a motion by  
8 Trustee Murphy. Seconded by Trustee Holt.

9 MEMBER MCPHILLIPS: On the question, Dan,  
10 really quick. I'd like to recommend we not do this  
11 right now. I think it would be wiser to let Kelly  
12 come in, see the layout of the land, and because he  
13 is the new Executive Director decide what the best  
14 route is for the Organizational Chart to meet his  
15 kind of strategy.

16 Although, I do think an Organizational  
17 Chart is important, I think it would be better left  
18 to Kelly since we just hired him as the new  
19 Executive Director. Those are just my thoughts.

20 MS. BURNS: Maybe what we could do is  
21 adopt this as the baseline, Trustee McPhillips, so  
22 then Kelly can then amend it and come back to you  
23 in December with what he suggests going into the  
24 new year. The reason for that is this

1 Organizational Chart isn't even official. This  
2 approval would at least establish the lay of the  
3 land as it exists today.

4 CHAIRMAN FORTUNA: Okay.

5 MEMBER CONYEARS-ERVIN: It is not like  
6 out of the box. I mean, these are things that we  
7 have been discussing and I don't think it is a  
8 surprise to anyone on the line. I don't  
9 necessarily think that we are shaking things up to  
10 a point that he will come in with what did they do.  
11 I mean these are just some things that we are  
12 cleaning up I will say before he gets in.

13 MEMBER MCPHILLIPS: One, I don't think we  
14 really discussed it. I don't know if we are  
15 cleaning anything up. To me, it seems very normal  
16 business practice, you would not make this decision  
17 two weeks before the new Executive Director starts.

18 MEMBER CONYEARS-ERVIN: We made these  
19 decisions already. These are not decisions we're  
20 making today. We're voting on them today but we  
21 had already discussed these decisions months ago.

22 MS. BURNS: Right.

23 MEMBER MCPHILLIPS: People are having  
24 meetings without me then. The only decision we

1 discussed was about Lori Lund and that was last  
2 month.

3 MS. BURNS: That is all that has changed  
4 on here, sir. That is all we did was fill that in  
5 and give you the names of people so we can hand  
6 this to Kelly Weller on his first day so he knows  
7 who is sitting in what chair, based on what the  
8 current structure is. With the certain  
9 understanding that he has the right to come back to  
10 the Board, if he deems it appropriate, to change  
11 the structure.

12 MEMBER TEBBENS: This in no way limits  
13 his ability to come back and amend it. So this is  
14 just a formality, move forward with this, and allow  
15 him to make any recommendations in the future.

16 MS. BURNS: Yes, sir.

17 MEMBER TEBBENS: Thank you.

18 CHAIRMAN FORTUNA: There is a motion and  
19 there is a second. Any further discussion?

20 MEMBER MCPHILLIPS: Nothing to add, thank  
21 you.

22 CHAIRMAN FORTUNA: There is a motion and  
23 a second.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Holt.

3 MEMBER NANCE-HOLT: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Coneyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER CONYEARS-ERVIN: Mr. President,  
16 can I take an opportunity to really thank Sarah for  
17 her service as Interim Executive Director?

18 CHAIRMAN FORTUNA: Absolutely.

19 MEMBER CONYEARS-ERVIN: So, Sarah rocks,  
20 we all know that and you know she just comes from a  
21 boss that rocks and all of that. We just really  
22 appreciate her. I mean it was so seamless. I  
23 can't believe she was an Interim Executive Director  
24 because it was so seamless. So just really thank

1 you for everything. We know that it was a lot. We  
2 thank you for what you have done, not only for us  
3 but also the members and annuitants. They would be  
4 happy to know that it was a seamless transition  
5 with you as an Interim Executive Director so thank  
6 you.

7 MS. BOECKMAN: Thank you so much, Madam  
8 Treasurer, it's been an honor.

9 MEMBER NANCE-HOLT: I'd like to echo  
10 that, Sarah. Thank you so much for all your help  
11 and everything you have done to keep us going. We  
12 really appreciate it.

13 MS. BOECKMAN: Thank you, Commissioner.

14 MEMBER SONI: I agree. You have done a  
15 lot. You have been extremely responsive  
16 communicating with all of us and making sure that  
17 we are on top of all that we need to know. I truly  
18 just appreciate you always being available, Sarah.

19 I totally agree with Trustee Conyears-  
20 Ervin that it was so seamless. Although, we miss  
21 Steve but you definitely filled that void and even  
22 more so thank you.

23 MS. BOECKMAN: Thank you, Trustee Soni.

24 I should say it was a team effort. You have a

1 great staff here and I have to give them credit. I  
2 could not have done it without them.

3 MEMBER TEBBENS: I would just add two  
4 words; seamless and responsive. It was a pleasure.  
5 I wish you well. We will still see you in the  
6 future.

7 MS. BOECKMAN: Thank you, Trustee  
8 Tebbens.

9 CHAIRMAN FORTUNA: Don't leave.

10 MS. BOECKMAN: I have the same number.

11 MS. BURNS: She is not going anywhere.

12 The other issue we wanted to discuss  
13 today is the DAP issue. This issue I know is a  
14 concern to many of the trustees. What Sarah told  
15 you a few months ago was that we were able to make  
16 retro payments for a number of our annuitants but  
17 some we had to hold back due to a lack of  
18 information. I believe 180 some individuals were  
19 held back because there is a legal issue as to  
20 whether or not those individuals are entitled to  
21 Duty Availability Pay.

22 The City gets to make that decision at  
23 least in the first instance. The City has not made  
24 that decision.

1           When Sarah first presented the issue, she  
2 recommended, and I concurred from both an  
3 administrative and a legal position, that we hold  
4 those 180 plus retros back so we weren't either  
5 over paying people, and then trying to collect the  
6 amount, or under paying people and trying to then  
7 make it up and have to change our programming to do  
8 that.

9           Now that several months have gone by and  
10 the angst amongst our members is rising, we're back  
11 to you with the suggestion that you allow us to  
12 take these 180 or so people and spend some time  
13 reprogramming our system to be able to separate out  
14 the retro payments that they are entitled to for  
15 which there is no legal question from the DAP retro  
16 payments where there is still an issue. The DAP  
17 retro payments represent a smaller amount that is  
18 being withheld.

19           We talked about this with Secretary  
20 Murphy at length and he was comfortable with this  
21 suggestion. What we would do, if you are generally  
22 in agreement with this, is Sarah, for the next  
23 couple of weeks, and then certainly we will work  
24 with Mr. Weller and staff to generate the program



1 that we need to be able to separate out these  
2 payments. We hope to come back to you in August to  
3 approve the retroactive payments and then  
4 ultimately we'll see if we can get resolution from  
5 the City on the DAP payments. If that is  
6 acceptable, we would like to proceed that way.

7 My second thought was the City has a lot  
8 of issues going on and they haven't really maybe  
9 been able to spend enough time focused on this  
10 issue.

11 What I'd like to do, and perhaps we  
12 should be in closed session and we will do so if  
13 trustees want to discuss it in more detail, but my  
14 recommendation is that we ratch up the pressure a  
15 little bit, by drafting a letter to the Corporation  
16 Counsel asking them for an official legal opinion  
17 as to whether or not this Duty Availability Pay  
18 should or should not be paid to these 180 some  
19 people.

20 I know that is aggressive but I do think  
21 you should be on record protecting your members and  
22 that is what such a letter would accomplish.

23 Of course, it would be accompanied by  
24 phone calls from Sarah and I to the Corporation

1 Counsel explaining why we are doing so and also  
2 offering to help them any way we can to get to the  
3 right decision, but we need an answer.

4 Two things. One, if you are okay -- I  
5 don't know if you want a motion on this, Trustee  
6 Murphy, it is really just direction. One, to make  
7 sure you're comfortable that we proceed in this way  
8 separating out retro payments from Duty  
9 Availability Pay and then we would get back to you  
10 in August about that.

11 And, two, whether you are comfortable  
12 with us drafting a letter on your behalf to the  
13 Corporation Counsel as allowed by the statute for  
14 them to give us a formal legal opinion on what you  
15 should do regarding Duty Availability Pay for the  
16 retro payments. Any questions?

17 CHAIRMAN FORTUNA: Any questions?

18 MEMBER MURPHY: As I have indicated, I am  
19 comfortable with that.

20 CHAIRMAN FORTUNA: I am all for drafting  
21 a letter.

22 MEMBER MCPHILLIPS: Is someone going to  
23 make a motion?

24 MEMBER MURPHY: We don't need a motion on

1 that, right?

2 CHAIRMAN FORTUNA: We are not going to  
3 take a motion.

4 MEMBER MCPHILLIPS: Isn't legal counsel  
5 going to incur expenses to draft that letter?

6 MS. BURNS: Yes, there definitely will be  
7 some legal expenses but I don't think that it will  
8 be that unusual from what you normally do and so as  
9 your counsel I would consider this to be part of my  
10 normal assignment and it would show up, obviously,  
11 in a future invoice that you would approve.

12 MEMBER MCPHILLIPS: So the motion was to  
13 approve the administrative expense with your  
14 expenses added to that?

15 MS. BURNS: Yes, sir. If you don't want  
16 to approve them later on, that's fine. I still  
17 think you should write the letter. I am willing to  
18 draft it assuming you approve it.

19 MEMBER MCPHILLIPS: I will make the  
20 motion, just so it is on the record, that you draft  
21 the letter to City Council on the advice of Fund  
22 counsel. Do I have a second?

23 MEMBER MURPHY: Second.

24 CHAIRMAN FORTUNA: There is a motion by

1 Trustee McPhillips. Seconded by Trustee Murphy.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Holt.

5 MEMBER NANCE-HOLT: 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 McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER CONYEARS-ERVIN: Can I ask a

18 question? I just want to make certain I am clear

19 and I know we just did this motion but why did we

20 do that?

21 MS. BURNS: One of our recommendations

22 was that you allow us to send a letter. Trustee

23 McPhillips wanted that approved because it involves

24 the expenditures of funds, maybe a couple thousand

1 dollars, for me to write such a letter.

2 Does that answer your question or do you  
3 want the bigger point on what we are talking about?

4 MEMBER TEBBENS: Can I make a motion to  
5 go into executive session?

6 MEMBER MCPHILLIPS: I will second it.

7 CHAIRMAN FORTUNA: There is a motion by  
8 Trustee Tebbens to go into executive session.  
9 Seconded by Trustee McPhillips.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Holt.

13 MEMBER NANCE-HOLT: Yes.

14 CHAIRMAN FORTUNA: Trustee  
15 Conyears-Ervin.

16 MEMBER CONYEARS-ERVIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1 (Whereupon, the Board went into  
2 Executive Session off the record.  
3 No action was taken in Executive  
4 Session.)

5 MEMBER MURPHY: Mr. President, I happily  
6 move on to Item 12 and turn it over to you to  
7 present the resolution to Trustee Nance-Holt.

8 CHAIRMAN FORTUNA: Thank you, Secretary  
9 Murphy.

10 There is a resolution for Acting Fire  
11 Commission Trustee Nance-Holt. I would like to  
12 turn this over to Sarah to please read the  
13 resolution.

14 MS. BOECKMAN: Thank you, President  
15 Fortuna.

16 It is with great honor that I get to read  
17 this resolution for Acting Commissioner Annette  
18 Nance-Holt.

19 Whereas, the Firemen's Annuity and  
20 Benefit Fund of Chicago, its Board of Trustees and  
21 Staff wish to thank Annette Nance-Holt for her  
22 dedicated and generous public service as a Trustee  
23 of the Fund; and.

24 Whereas, Annette Nance-Holt is a proud

1 graduate of Chicago Public Schools, Chicago State  
2 University and Anna Maria College, where she earned  
3 a Master of Science Degree in Public  
4 Administration/Fire and Emergency Management; and

5           Whereas, Annette Nance-Holt entered the  
6 Chicago Fire Department in 1990, where she  
7 faithfully served with distinction in nearly every  
8 role at the department for over 30 years before  
9 becoming at the first woman and the first Black  
10 woman to serve as First Deputy Commissioner in  
11 2018; and.

12           Whereas, as First Deputy Commissioner,  
13 Nance-Holt served as a Firefighter Trustee to the  
14 Firemen's Annuity and Benefit Fund of Chicago where  
15 she served faithfully and diligently in many  
16 capacities, including serving as an example to  
17 fellow Board Members through her leadership on  
18 governance issues to ensure the effective and  
19 efficient administration of the Fund on behalf of  
20 Fund participants and beneficiaries; and.

21           Whereas, while we will miss our friend  
22 and colleague, we are proud of her recent  
23 appointment as first woman and first Black woman to  
24 serve as Commissioner of the Chicago Fire

1 Department and we take comfort in knowing that our  
2 City will be well served by her effective and  
3 gracious leadership; now therefore,

4 Be it resolved, on this 16th day of June,  
5 2021, the Trustees, Staff and all Active and  
6 Annuitant members of the Firemen's Annuity and  
7 Benefit Fund of Chicago wish to honor and thank  
8 Commissioner Annette Nance-Holt. We will miss her  
9 leadership, her professionalism and her  
10 uncompromising dedication to the Fund and its  
11 participants.

12 Be it further resolved, in order that all  
13 may know of the esteem and honor in which this Fund  
14 holds Commissioner Annette Nance-Holt, that this  
15 Resolution be entered on the permanent record of  
16 this Fund and that a copy of this Resolution be  
17 suitably engraved and presented to her as a token  
18 of our respect and gratitude for her valued service  
19 to the Fund, and its Trustees, Staff and  
20 participants.

21 Thank you, Commissioner Holt.

22 CHAIRMAN FORTUNA: It's been a great  
23 honor to make this motion to adopt this as a  
24 Resolution. Can I get a second?



1 I make everyone second this motion.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Holt.

5 MEMBER NANCE-HOLT: 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 McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 I want you to know that I am standing and  
17 applauding you.

18 MEMBER NANCE-HOLT: Let me say thank you.

19 You don't know how much I appreciated being on the  
20 Board. I have learned something from each and  
21 every one of you and I can take that with me. I am  
22 just so honored to be part of such a wonderful  
23 Board. I mean, diverse women, strong women  
24 leadership, I take all of that with me both my City

1 and my fire people.

2 It is actually sad for me to leave you,  
3 honestly. I really enjoyed being with you. I  
4 enjoyed the challenges. I enjoyed the fight some  
5 days, too. I enjoyed mostly what we do for our  
6 members on the Chicago Fire Department and the  
7 great job we all do together to represent them.

8 I am sure the next person who comes on  
9 the Board will have the same passion that I have  
10 because you are just great and you will fill her in  
11 and she will know everything that I know.

12 Thank you, again, much love to everybody  
13 on the board and I hope you still continue to  
14 invite me to things after work.

15 CHAIRMAN FORTUNA: You are always  
16 invited.

17 MEMBER NANCE-HOLT: Thank you so much.  
18 God bless you all.

19 CHAIRMAN FORTUNA: God bless you,  
20 Annette.

21 MEMBER MURPHY: Moving on to Item 13, is  
22 there any old business or new business?

23 CHAIRMAN FORTUNA: Hearing none.

24 MEMBER MURPHY: I would like to make a

1 motion to adjourn today's meeting.

2 MEMBER NANCE-HOLT: Second.

3 CHAIRMAN FORTUNA: Motion by Trustee  
4 Murphy to adjourn. There is a second by Trustee  
5 Holt.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Holt.

9 MEMBER NANCE-HOLT: Yes.

10 CHAIRMAN FORTUNA: Trustee  
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.

16 MEMBER MCPHILLIPS: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 We are adjourned.

21 Thank you, very much.

22 (WHICH WERE ALL THE PROCEEDINGS

23 IN THE ABOVE-ENTITLED MEETING

24 AT THIS DATE AND TIME.)

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF DU PAGE )

DEBORAH TYRRELL, being a Certified Shorthand Reporter, on oath says that she is a court reporter doing business in the County of DuPage and State of Illinois, that she reported in shorthand the proceedings given at the taking of said cause and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid; and contains all the proceedings given at said cause.

Debbie Tyrrell  
DEBBIE TYRRELL, CSR  
License No. 084-001078

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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO  
  
IN THE MATTER OF )  
INVESTMENT COMMITTEE )

STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the audio/video meeting of the above-entitled  
matter, held at 20 South Clark Street, Suite 300,  
in the City of Chicago, County of Cook, State of  
Illinois, on June 16, 2021, commencing at the hour  
of 9:30 a.m.

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APPEARANCES

COMMITTEE MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Investment Committee  
Chairman and Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNETTE NANCE-HOLT, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.  
BY: MS. SARAH A. BOECKMAN

ALSO PRESENT:

LORNA SCOTT, Chief Investment Officer  
MARC TORRES, IT Analyst  
MARK MYSLINSKI, City Treasurer's Office  
KELLY WELLER, Executive Director as of 7-1-21

1 MEMBER MCPHILLIPS: Good morning,  
2 everybody. This is Committee Chairman Tim  
3 McPhillips of the Investment Committee.

4 I hereby convene this Investment  
5 Committee meeting for June 30, 2021.

6 Lorna, could you please take a roll call?

7 MS. SCOTT: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Here.

9 MS. SCOTT: Trustee Murphy.

10 MEMBER MURPHY: Here.

11 MS. SCOTT: Trustee Fortuna.

12 MEMBER FORTUNA: Here.

13 MEMBER MCPHILLIPS: We have a quorum. I  
14 will make some quick comments for the record and  
15 then I will turn it over to Lorna.

16 Public Act 101-0640 allows this meeting  
17 to be conducted by audio and video conference. The  
18 Act requires a roll call vote on each matter acted  
19 upon.

20 We are proceeding by audio and video  
21 conference because we continue to believe that due  
22 to the pandemic it is prudent to not be physically  
23 present in the same space.

24 We have posted notice of this meeting in

1 accordance with the Open Meetings Act and the  
2 meeting is being recorded. A transcript of the  
3 proceedings will be prepared and ultimately, after  
4 approval, will be made available on the Fund's  
5 website.

6 I will also note that this meeting is  
7 solely focused on educational investment matters  
8 and we will not be taking any actionable votes.

9 As Trustees know, we are required to  
10 fulfill the annual training requirements under  
11 Section 1-113.18 of the Illinois Pension Code.

12 I'd like to thank Lorna for organizing  
13 this educational session and I will now turn things  
14 over to her to proceed with our Committee agenda.

15 MS. SCOTT: The first item on the agenda  
16 is an infrastructure investment overview. I am  
17 going to turn the presentation over to Callan, to  
18 Brady, to take us away.

19 MR. O'CONNELL: Thank you, Lorna. Just a  
20 quick minute and a half introduction and then,  
21 Marc, maybe you can pull up our first set of slide  
22 docs, the infrastructure education.

23 What we wanted to do here in the next  
24 couple of months and quarters is spend some time

1 with the Board and the Committee on issues we want  
2 to explore in more detail as part of the Asset  
3 Liability Study that we will be doing later this  
4 year.

5 When we did that five years ago, we added  
6 a number of new asset classes that are in what we  
7 call the Real Assets Category. So Real is a term  
8 that we use in finance to apply to things that have  
9 inflation sensitivity. So we added core real  
10 estate. We will be hearing from those two managers  
11 later today. We added global REITS, Real Estate  
12 Investment Trusts, so those have inflation  
13 sensitivity as well. And then we added U.S. TIPS  
14 or Treasury Inflation-Protected Securities.

15 The other component of the real asset  
16 portfolio is commodities and over the past 16  
17 months really we have had a discussion about how  
18 this performed in the pandemic and whether or not  
19 we want to continue to have those.

20 So when we get into the Asset Liability  
21 Study, we will look at the allocations that we have  
22 made in those assets classes and determine whether  
23 we want to make any changes. But importantly we  
24 also want to evaluate asset classes that we haven't

1     invested in historically and infrastructure  
2     represents one of those.

3             So this is an asset class that we  
4     consider real so there were components of the  
5     return that are sensitive to inflation and  
6     therefore should perform well if inflation picks  
7     up.

8             And in order to explore it in more detail  
9     as a part of an Asset Liability Study and make it  
10    part of our long-term asset allocation, we really  
11    want the Board to understand some of the nuances  
12    that come with investing in infrastructure because  
13    this is a fairly new asset class.

14            So we have prepared the slides that we  
15    will walkthrough here. I am shortly going to turn  
16    it over to my colleague, Jan Mende, who is a  
17    specialist in Real Assets. She is part of Callan's  
18    Real Assets Consulting Team so she focuses on all  
19    of these asset classes, such as real estate,  
20    infrastructure, and helps clients build-out their  
21    portfolio in that regard and helps all of Callan's  
22    clients think about infrastructure and its  
23    characteristics and can help facilitate a  
24    discussion of whether or not that makes sense for

1 the FABF.

2 So I will turn it over to Jan to talk  
3 about infrastructure, both private infrastructure  
4 as well as listed or publicly traded infrastructure  
5 securities.

6 We welcome any questions that you have  
7 throughout the presentation. As we heard from  
8 Trustee McPhillips earlier, we are not asking you  
9 to make a decision but really to provide background  
10 on just what infrastructure is so that when we do  
11 the Asset Liability Study we are in a better  
12 position to determine whether or not we want to  
13 initiate an allocation to this new asset class.

14 Jan, I will turn it over to you. As we  
15 mentioned, Marc will be advancing the slides so if  
16 you just let him know when you are ready to move  
17 forward and what slide you'd like to speak to, he  
18 will take care of that on your behalf.

19 MS. MENDE: Great, thanks, everybody, for  
20 making time for the educational session here today.  
21 And, Marc, for your help on the tech side here.

22 My name is Jan. I have been with Callan  
23 just about four years but I have been covering the  
24 infrastructure space for investors for about ten



1 years so I have seen it develop during that time  
2 period.

3 As we are talking to our clients about  
4 infrastructure and what it is, essentially, it is  
5 long-lived assets, which are hard to replicate with  
6 defensive income streams and monopoly market  
7 positions that are difficult to enter either  
8 because of high barriers to entry or regulations  
9 there.

10 The typical sectors where infrastructure  
11 managers invest are energy, renewables, water  
12 waste, transport, communication, and social.

13 What I would say is communication was on  
14 this list five years ago. It's been a growing part  
15 of the sector with the increase in data consumption  
16 and all the Netflix movies and all the Amazon  
17 shopping we are doing.

18 One thing that is different with private  
19 infrastructure and private real estate most of our  
20 clients access private real estate through the  
21 open-end funds which are largely U.S. focused.

22 Infrastructure has a much more global  
23 focus. That being said, a lot of infrastructure  
24 managers will talk about the OECD markets, which

1 are the major markets. U.S., U.K., Western  
2 European countries.

3 As we talk to our clients about looking  
4 at infrastructure, some people like the fact that  
5 they get exposure to non-U.S. currency. Other  
6 people see that more of a risk.

7 So I would say moving on to the risk  
8 side, as things change in the world the competitive  
9 landscape changes. That infrastructure asset that  
10 you thought was a very safe asset may be less  
11 useful to you in your portfolio.

12 For example, people used to invest in  
13 coal fired power plants. Nobody really wants to  
14 invest in coal so people who owned those assets are  
15 dealing with that difficulty right now.

16 Other risks to consider are interest rate  
17 movements could have a big impact on these assets.  
18 In general, infrastructure assets have more  
19 leverage than real estate so as interest rates rise  
20 it's just magnified in the infrastructure space.

21 Inflation. This is good as long as you  
22 can pass on -- as an infrastructure owner, as you  
23 can pass on those higher costs to your clients but  
24 it depends on the type of contract structure you

1 have. We have a little more information about that  
2 later.

3 Another risk here currency movements. We  
4 have some clients who invested in infrastructure  
5 where the portfolio is in the U.K. or in Europe.  
6 And over the past few years the currency volatility  
7 there has impacted their quarterly return  
8 performance. So that is definitely a consideration  
9 as we get further on in this process it would be  
10 something we would discuss with you.

11 Lastly, this last line here, Black Swan  
12 Events. Things you couldn't predict. Everybody  
13 thought airports were a growth business and then  
14 2020 happened so things you just can't predict in  
15 terms of demand.

16 Those are just some high level thoughts  
17 that we like to start off as we're looking at this  
18 space.

19 Marc, if you could move on to the next  
20 slide, please.

21 So when we talk about infrastructure, the  
22 core real estate funds that you invested in are  
23 what we would call private infrastructure. They  
24 are not traded on the public markets.

1           In infrastructure, you can invest in  
2 those unlisted funds on the right. But you could  
3 also access infrastructure through the public  
4 markets, which we refer to as listed here.

5           If you invest in the public markets  
6 infrastructure, it is pretty easy. These are  
7 operating companies you can acquire. They are very  
8 liquid and you can trade in and out of them.

9           I would say one thing that our clients  
10 have found is that they share the volatility of the  
11 public markets and that doesn't always do what our  
12 clients want this to do for their portfolio.

13           Another thing I would say, for both  
14 listed and private infrastructure, benchmarking is  
15 difficult. Although the sector has been around for  
16 ten years, there isn't enough data to really  
17 provide a benchmark the same way we have for real  
18 estate. It is coming, it's just not here yet.

19           We have another slide about listed  
20 infrastructure later in the deck that we can talk  
21 to.

22           On the right side of the page, you have  
23 the unlisted infrastructure funds, which is where I  
24 generally focus with our clients.

1           Similar to the open-end real estate  
2 funds, you can invest in these assets to get  
3 long-term income and appreciation, depending on  
4 exactly which strategy you choose.

5           One other point here is the valuation  
6 method. For private infrastructure, it is not  
7 subject to the public market volatility so last  
8 year our clients who had this in their portfolio  
9 didn't see as much volatility as they did in their  
10 public markets investments.

11           If you could go on to the next slide,  
12 please.

13           Infrastructure, just to give a little  
14 more color on what it is. You see the big tall  
15 picture there, that is the cellphone tower relaying  
16 all the communications that we all are doing on a  
17 daily basis. That asset is going to be around for  
18 a while and it is pretty essential for our social  
19 and economic part of the economy here.

20           The top right picture is a water  
21 deceleration plant in Southern California. It took  
22 them about 25 years to build this plant from  
23 permitting it, to designing it, to building it,  
24 et cetera, so it is a pretty defensive asset.

1 There is not going to be a lot of near term  
2 competition on that.

3 When they developed that plant, they  
4 signed a 30-year agreement with the San Diego Water  
5 System to provide water and that was a very safe  
6 stream of revenue because they know that area needs  
7 water and they are going to get that payment from  
8 the government.

9 When people talk about infrastructure,  
10 those are the sort of low demand elasticity things  
11 that we like to see.

12 On the bottom right, in the U.K., there  
13 are some municipalities that have taken street  
14 lighting off of their budget and asked a private  
15 manager to manage their streets for them for 20  
16 years and in exchange it simplifies the budget for  
17 the local economy. The private manager gets a  
18 reliable stream of income and they can leverage it  
19 up so that is why infrastructure can be more highly  
20 leveraged because you have more high term  
21 contracts.

22 If you could go to the next slide here.  
23 I updated this one, Slide 7 of the PDF I think. It  
24 is "What is the Driver for Global Infrastructure

1 Investment Today".

2 And renewable energy targets are a big  
3 one we heard a lot about. Data storage, as I  
4 mentioned, Netflix, Amazon shopping, requires that  
5 and just aging infrastructure.

6 So if you wanted to have a little bit  
7 more data on what exactly you mean by a  
8 communication investment. Cellphone towers, data  
9 centers, are something that you hear managers talk  
10 about.

11 Power. The wind, solar, hydro biomass,  
12 geothermal power are things that people talk about.  
13 Honestly, most of it these days is the wind and  
14 solar power. The other kinds of assets are a  
15 little bit less frequent.

16 And then moving down, you see waste water  
17 is another thing that people talk about as an  
18 infrastructure investment. They are very hard to  
19 get.

20 The last one here sustainability. What  
21 is that? That is a new category I would say that  
22 has really come on in the last five years and it  
23 has to do with efficiency being installing systems  
24 to monitor energy use or water use to make sure

1 that we are being efficient with those scarce  
2 resources.

3 Do you all see Slide 7 here? I just want  
4 to make sure. Okay, great, thank you.

5 Those are the other sectors that I  
6 mentioned before. Transport, energy and social  
7 infrastructure.

8 In the U.S., I would say social  
9 infrastructure has been less of an opportunity  
10 because it generally relies on public private  
11 partnerships, which in the U.S. with 50 states and  
12 all of our local and City governments it is  
13 difficult to get framework to do these efficiently  
14 and private infrastructure managers generally find  
15 better opportunities in the private businesses in  
16 the country.

17 If you could move on to the next page.  
18 So when we talk about real estate with your  
19 clients, we always talk about the region where it  
20 is located and property type.

21 For infrastructure, I like to say there  
22 is kind of a third dimension to think about. It is  
23 revenue types and risk.

24 People are attracted to infrastructure as



1 an asset class because it has long-term and stable  
2 revenues and that is true but not every asset has  
3 the same revenue structure. That is something as I  
4 am talking to infrastructure managers I want to  
5 understand. Do I really have certainty that I will  
6 have income despite economic disruptions like  
7 Covid.

8 Toll roads are something you hear about  
9 as an infrastructure investment. Just because you  
10 have a toll road, it doesn't mean it will perform  
11 the same way in an economic downturn. If you have  
12 a toll road that has availability, base revenue on  
13 the left side of this page, you may have a contract  
14 with a government that the government will pay you  
15 as long as people can drive on that road. Doesn't  
16 matter how many people drive or things like that.  
17 As long as that road is usable, then you get paid.

18 Your payment rate as an owner might be  
19 little bit less because it is a very safe revenue  
20 but you could also own a toll road and have what I  
21 would say is GDP linked revenue. Where if there is  
22 an economic downturn and people aren't driving, you  
23 don't collect any revenue or much less and you are  
24 much more exposed to economic risk.

1           As we talk to infrastructure managers it  
2 is always important to understand how they look at  
3 revenue risk and what type of revenue risk they  
4 would take. Not all toll roads are the same is  
5 what I would say.

6           If we could go on to the next page,  
7 please. These are just some bar charts here to  
8 show you where deals are taking place. And on the  
9 top you see Europe has always been a significant  
10 part of the private infrastructure opportunity.

11           North America, that kind of dusty blue on  
12 the top, is increasing in its share.

13           I would say as telecom has become a  
14 bigger opportunity there has been more investment  
15 in the U.S.

16           And then by sector, this one always takes  
17 people by surprise, that sort of bright blue in the  
18 middle there, that represents renewable investments  
19 and renewables comprises a sizable number of the  
20 deals done in the infrastructure space as people  
21 are looking to get cleaner sources of energy.

22           If we could go on to the next slide  
23 here, I have some information about renewables.  
24 What is driving all of this activity? And the

1 diagrams on the bottom right there show back in the  
2 day you had your power plant and they would  
3 transmit the energy to your home. Now there is  
4 many different ways to source power. Locally  
5 through solar or wind and store it with batteries  
6 or other types of things so that is what is driving  
7 some of the renewable investments that people have  
8 heard about.

9 I would say renewables as a sector  
10 generally has performed well. There have been  
11 issues but the performance of that sector has been  
12 good and returns have come down significantly in  
13 the past ten years.

14 Renewable assets these days may be a  
15 5 percent return and maybe ten years ago they were  
16 closer to 10. As the sector has been proven,  
17 people have piled in a bit.

18 We could go on to the next slide. Key  
19 Risks in Infrastructure Investing. We kind of  
20 touched on these a bit here.

21 Regulatory risk is one I always like to  
22 just highlight. One example, people who invested  
23 in the U.K. water systems thought I am investing in  
24 a water asset. Everybody needs water and I am in

1 the U.K. It is a very stable country. I don't  
2 have any regulatory risk there but kind of  
3 post-Brexit there was a more populist government  
4 that came in and they started limiting the amount  
5 of profit people could earn from owning these  
6 assets and that caused some issues in that space  
7 which people didn't expect.

8 They are working through that and for  
9 people who hold those assets over the long-term the  
10 hope is that they will recover value but in the  
11 short-term it's been difficult.

12 Revenue. We talked about that. How safe  
13 is that revenue? Is it going to fluctuate if there  
14 are issues with the economy?

15 Leverage. Infrastructure is more highly  
16 leveraged than real state so as we wonder what will  
17 interest rates do here in the near-term that is  
18 consideration for investing in this space.

19 Currency. You know, it is the benefit of  
20 investing globally. You get global exposure but  
21 you also have to be comfortable with the currency  
22 risk that the fund or the program is taking.

23 Then liquidity and exits. I like to talk  
24 to infrastructure managers to hear once you own an

1     asset, why do you sell it? What are the things  
2     that you think about just to see how they are  
3     evaluating risk?

4             These are the some keys things that we  
5     like to have people think about as they are looking  
6     at the sector.

7             If you could go onto the next slide here,  
8     please. This is the Callan capital markets  
9     assumptions here. A lot of numbers on this page.

10            The return for core infrastructure, based  
11     on discussions with our capital markets team and  
12     the real assets team, is a long-term return of 6  
13     percent compared to 5.75 percent for core real  
14     assets.

15            But at the same time you look over at the  
16     risk for core infrastructure is higher. And I  
17     would say that the risk is higher in part because  
18     just the interest rate sensitivity for these assets  
19     and inflation, how much of that can you pass  
20     through to your clients, is something that is a  
21     little more of a consideration for infrastructure  
22     with the long-term structure there.

23            Feel free to jump in, if you have any  
24     questions, but I will just keep moving.

1           One last slide here, 13. I got a lot of  
2 questions in the past year about how did  
3 infrastructure do during Covid and the table kind  
4 of lays out sectors at the top which were least  
5 impacted with Covid and then most impacted down  
6 there at the bottom.

7           Telecom and digital, in general, with  
8 this work from home shift, more demand for again  
9 Netflix, Amazon, that created a lot of demand for  
10 data centers and ways to transmit that data and  
11 store the data so it did well. There has been a  
12 lot of people looking at the space and it is  
13 getting competitive there.

14           Same thing, renewables did well during  
15 the pandemic. People still wanted clean power.  
16 The sunshine and the wind blew so the renewables  
17 were able to deliver on their contracts with their  
18 off-takers.

19           Utilities did well as well because we  
20 were all using electric and water. Maybe in  
21 different places than we would have in prior years.

22           We won't go through everything on this  
23 slide.

24           Transportation. People watched that

1 sector a lot. In early 2020 airports were shut.  
2 Ports kind of had some issues and roads had lower  
3 traffic. I would say roads have really come back  
4 especially as everybody has been home ordering on  
5 Amazon. All the trucks on the road. Industrial  
6 traffic has held up pretty well.

7 Same things for ports. People have  
8 continued to buy and consume so ports had pretty  
9 steady traffic.

10 Airports. People are sort of predicting  
11 it might not be until 2023 until growth and travel  
12 patterns get back to what they were in 2019. We  
13 will see how that all settles down.

14 MS. SCOTT: Just a quick question. Is  
15 there an overlap with real estate because you  
16 mentioned data centers and I am pretty sure some of  
17 our core real estate funds are in data centers.

18 MS. MENDE: That is a great question, I  
19 get that as well from my team. I would say there  
20 are some data centers that operate more like  
21 hotels. They provide everything and people can use  
22 the data center for a shorter period of time.  
23 Maybe a couple of years. But then there are some  
24 other data centers where the infrastructure

1 operator may provide the building and make sure  
2 there is the necessary power that is needed. These  
3 data centers use a ton of power. The  
4 infrastructure manager arranges the power and their  
5 customer may build-out the space for a 10-year  
6 contract.

7 So it goes I think to the difference in  
8 contract lengths, whether it belongs in a real  
9 estate bucket or in the infrastructure bucket.  
10 That is definitely a crossover sector. It is a  
11 good question, thank you.

12 So now if we go one more slide. You  
13 might have seen this slide before, the relative  
14 risk and return.

15 Within infrastructure, you can invest  
16 across the risk spectrum. You can do  
17 infrastructure debt which is a much lower return.  
18 I'd say generally it is almost a little bit lower  
19 return than real estate debt because it is  
20 perceived as so safe.

21 Moving up on the risk spectrum, you have  
22 core and core plus. I would say that is the way we  
23 describe the risk for open-end infrastructure  
24 funds. The return is going to be 5 to 7, 8 to 10



1 percent net over the long term on an annual basis  
2 for these funds. They are acquiring assets. Ports  
3 that are existing. Airports that are existing.  
4 Renewable power that are existing. And they are  
5 clipping the coupon from the cash flows of those  
6 assets and distributing it to investors, not doing  
7 a lot of development risk.

8 On the upper right side, the value add  
9 and opportunistic strategies, there are what we see  
10 in closed-end funds that have a 10-year life.  
11 Where they acquire an asset and they have a plan to  
12 double capacity or increase the footprint or take a  
13 little bit more risk and have less income in the  
14 short-term.

15 As we are looking at the space with our  
16 clients, we work across all of these sectors so if  
17 you got to that point we could definitely have  
18 further conversations there.

19 Next slide, please. The institutional  
20 infrastructure markets here. As I kind of said  
21 earlier, the asset class is global. There are a  
22 wider range of options to select from, if you are  
23 willing to consider a global portfolio. If folks  
24 are only interested in a North American portfolio,

1 the open-end fund universe as you see here is very  
2 small. There are three funds that focus on North  
3 America compared to 20 something in the real estate  
4 sector that focus on North America.

5 On the right you see there are five to  
6 seven funds that are open-end and look at the  
7 global markets there.

8 On the closed-end fund universe similar.  
9 You can see that wider opportunity in the global  
10 markets.

11 Say if you are investing in the U.S., you  
12 would have gotten a lot of energy investment. Now  
13 you will be seeing more telecom investment coming  
14 in and renewables so it is the emerging sector. I  
15 think as an infrastructure investor it is probably  
16 a good idea to look at the global portfolio so you  
17 have access to the widest range of sector types to  
18 build a diversified portfolio.

19 Then on the next slide here, Slide 17,  
20 just to show the infrastructure asset class. You  
21 see it really started fund raising in 2006 and 2007  
22 and then the financial crisis hit.

23 I will be honest with you, some of the  
24 early infrastructure managers put too much leverage

1 on their assets because they thought these are  
2 safe. I can lever them up. There was some  
3 missteps in those days.

4 People agree, though, that those lessons  
5 learned have been taken to heart by the industry  
6 and so far it seems that infrastructure assets were  
7 a little less leveraged going into the pandemic  
8 than they were prior to the global financial  
9 crisis.

10 That was fundraising took off in  
11 2007/2008. Financial crisis hit. Performance  
12 wasn't great and over time you can see that  
13 fundraising has really increased as people are  
14 looking at the sector for this long-term cash flow  
15 and the overall appreciation potential.

16 So maybe just take it here to this last  
17 slide on private infrastructure, Slide 18. The  
18 benefits are potential for low correlation with the  
19 economic cycle. If you have these long term  
20 contracts that come rain or shine you will still  
21 get paid. With that you get income that is  
22 distributable to the investors.

23 People look at, as Brady said, real  
24 assets as an inflation hedge. The diversification

1 for a global portfolio is something you can get  
2 pretty easily with infrastructure and the demand  
3 for renewables and decarbonization is driving the  
4 sector a bit but there is a lot of other things to  
5 do out there.

6 Considerations. Illiquidity, I would say  
7 that those core open-end infrastructure funds  
8 generally have a four-year period where once you  
9 sign up you can't get out. They want people to  
10 stay in as they buildup these portfolios so core  
11 real estate I would say is more liquid than that.  
12 They don't have that same sort of lockup.

13 Another consideration, these are very  
14 complex businesses and it is a little more  
15 difficult to operate than a real estate portfolio  
16 in just terms of the contract structure. The  
17 operating of a water plant or things like that. So  
18 it is really important to pick a strong manager for  
19 this.

20 Other things we have talked about on the  
21 right there. The global nature of this asset.  
22 Interest rate risk. Obsolescence risk as I  
23 mentioned before with coal fired power plants.

24 There are benefits and consideration

1 certainly to this asset class here.

2 We had a few minutes prepared on listed  
3 infrastructure. Brady, should I go ahead and hit  
4 that as well? It will be pretty quick.

5 MR. O'CONNELL: Lorna, how do you feel  
6 about that? We have got maybe a couple minutes  
7 left to wrap up infrastructure. The listed part I  
8 think we could probably skip at this point.

9 For the committee's perspective, the  
10 issue is very similar to real estate where we have  
11 that global REIT portfolio that is liquid and it is  
12 more like stocks.

13 Same issue here in infrastructure where  
14 you can buy stocks in infrastructure companies but  
15 you get the volatility that comes with things that  
16 are traded on the stockmarket. Those got marked  
17 down a little more than the private infrastructure  
18 did in 2020 during the pandemic.

19 Maybe we can just wrap it up, if there  
20 aren't any questions. Jan, I am not sure if you  
21 had any concluding remarks. I did have a few  
22 points when you are done to reinforce for the  
23 committee.

24 MS. MENDE: No, I think that slide that

1 Marc has up right now, it lays out there are some  
2 real potential benefits and reasons people are  
3 attracted to this asset class.

4 And we have seen clients go into open-end  
5 funds and just get exposure to the portfolio of  
6 assets. Airports, toll roads, renewables. And  
7 they have had some good experience with that but  
8 there's been volatility.

9 I will turn it over to Brady. Thanks  
10 everybody, I appreciate your time.

11 MR. O'CONNELL: Thanks, Jan.

12 Four quick points just to summarize some  
13 key take-aways. One, this is an alternative asset  
14 class. This is new. This is growing. We just saw  
15 the slide from Jan with the capitals moving in. It  
16 is kind of a trendy thing. It is not stocks. It  
17 is not bonds. So we would categorize this is as an  
18 alternative.

19 As such, it is not really easy to  
20 benchmark. We had some discussion about other  
21 alternative investments in the portfolio and how to  
22 benchmark them. As we think about creating an  
23 allocation and getting an allocation within your  
24 investment policy statement, the benchmarking and

1 the tracking of these investments is going to be  
2 more like it is for private equity and real estate  
3 than it is for stocks and bonds. Just benchmarking  
4 is going to be difficult.

5 This is a global asset class. So when we  
6 invest in a fund we will get exposure throughout  
7 the world. Jan showed there are a few that are  
8 North America focused but again those invest in  
9 infrastructure in Canada in addition to the United  
10 States.

11 Lastly, Jan had mentioned liquidity and  
12 exits. So when we did our Asset Liability Study in  
13 2017, there were a lot of caveats about investing  
14 in less liquid assets classes like real estate,  
15 private equity. And infrastructure is more like  
16 those than it is the liquid part of your portfolio.

17 But the good news is the change that we  
18 have seen in 2017 is contributions coming in at the  
19 level that we anticipated and if that continues we  
20 should have the possibility to take on incremental  
21 illiquidity risk.

22 During the Asset Liability Study, we will  
23 test to see how much more we can allocate to core  
24 real estate or to private equity. So that will be

1 a big factor in addition to the characteristics of  
2 infrastructure that we heard about just how much  
3 more assets FABF can allocate to things we can't  
4 sell in a day. So that is a big factor when we  
5 think about the private part of the infrastructure  
6 market. How much of those illiquid assets can we  
7 take on given the cash flow and benefit payment  
8 projections that we have.

9 MEMBER MCPHILLIPS: I have a quick  
10 question regarding your comment on the difficulty  
11 with benchmarking assets like this.

12 Would that be somewhat negated in your  
13 mind by the fact that these assets kind of overlay  
14 very well with our liabilities? They are kind of  
15 known and stable and consistent. So even though we  
16 may not be able to benchmark and say that, hey, we  
17 are doing well, it overlays with our liabilities  
18 that we have at the Pension Fund?

19 MR. O'CONNELL: Yes. So I think that is  
20 a good point. Just because we can't benchmark it  
21 as well as we can stocks and bond doesn't mean we  
22 don't want to invest in it.

23 There is a slide, if we go to PDF 27, if  
24 we go to the private route a lot of the times the



1 benchmark we think about is the CPI or inflation  
2 plus a premium.

3 We have got there listed a hypothetical  
4 infrastructure of a client. The listed benchmark,  
5 which is publicly traded infrastructure equities,  
6 so we can see that dropped. And then what is more  
7 of a long-term theoretical benchmark, we would  
8 expect infrastructure to give us 5 percent over  
9 inflation so that is that CPI plus five.

10 It doesn't mean we can't benchmark it.  
11 It is just a little harder to benchmark than it is  
12 stocks and bonds.

13 MEMBER MCPHILLIPS: Okay. Jan, if you  
14 don't mind, I have a quick question for you.

15 On one of your slides you had the various  
16 type of assets segregated between North America and  
17 I guess the rest of the universe.

18 Under North America, if I am not  
19 mistaken, it seemed to indicate that waste water  
20 and water assets were kind of becoming more popular  
21 in North America. Did I read that slide correctly?

22 MS. MENDE: Yes. Was it maybe Slide 7,  
23 "What is the Driver For Global Investment Today"?

24 I would say that people have always been

1 looking at water and waste water investments. They  
2 are just so small and scattered it is really hard  
3 to find them in the scale that investment managers  
4 want to invest in. So it hasn't worked out to-date  
5 but there may be more opportunities in the future.  
6 If municipalities say I need to get this off my  
7 balance sheet and I want to make sure somebody else  
8 can handle the operation. We have seen some of  
9 that happening.

10 MEMBER MCPHILLIPS: Thank you, very much.  
11 I thought it was a great presentation.

12 MS. MENDE: Thanks everybody. I  
13 appreciate it.

14 MR. O'CONNELL: Thanks, Tim.

15 MEMBER MCPHILLIPS: Any questions from  
16 any other board members for Brady or Jan?

17 Otherwise, I think we will move on to our  
18 next presentation.

19 MEMBER MURPHY: None from me.

20 MEMBER NANCE-HOLT: None from me.

21 MEMBER MCPHILLIPS: Thank you, very much.

22 Before we begin the presentation from our  
23 managers relating to our core real estate  
24 allocation, I would like to make a motion to go

1 into Executive Session pursuant to Section 2(c)1 to  
2 discuss specific investment contracts. Do I have a  
3 second?

4 MEMBER NANCE-HOLT: Second.

5 MEMBER MCPHILLIPS: Lorna, can you please  
6 call the roll call?

7 MS. SCOTT: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 MS. SCOTT: Trustee Nance-Holt.

10 MEMBER NANCE-HOLT: Yes.

11 MS. SCOTT: Trustee Murphy.

12 MEMBER MURPHY: Yes

13 MS. SCOTT: Trustee Fortuna.

14 (No response.)

15 MEMBER MCPHILLIPS: Motion passes. We  
16 will now proceed to closed session.

17 (Whereupon, the Board went into  
18 Executive Session off the record.

19 No action was taken in Executive  
20 Session.)

21 MEMBER CONYEARS-ERVIN: I will just say  
22 good morning, trustees, I am here.

23 MEMBER MCPHILLIPS: I'd like to thank  
24 everyone for their presentations.

1           We will now turn to the public comment  
2           portion of the agenda.

3           I will quickly state that consistent with  
4           Public Act 91-0715 and reasonable constraints  
5           determined by the Board of Trustees, at each  
6           regular meeting of the Board or it is committees  
7           that is open to the public, members of the public  
8           may request a brief time to address the board or  
9           committee on relevant matters within its  
10          jurisdiction.

11          Are there any requests for public comment  
12          today?

13          None.

14          Is there a motion to adjourn today's  
15          meeting.

16          MEMBER MURPHY: I make the motion.

17          MEMBER MCPHILLIPS: Second.

18          The Investment Committee is now  
19          adjourned.

20  
21                 (WHICH WERE ALL THE PROCEEDINGS  
22                 IN THE ABOVE-ENTITLED MEETING  
23                 AT THIS DATE AND TIME.)  
24

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DEBORAH TYRRELL, being a Certified Shorthand Reporter, on oath says that she is a court reporter doing business in the County of DuPage and State of Illinois, that she reported in shorthand the proceedings given at the taking of said cause and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid; and contains all the proceedings given at said cause.

*Debbie Tyrrell*  


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 DEBBIE TYRRELL, CSR  
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**BEFORE**

**THE RETIREMENT BOARD**

**FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO**

**IN THE MATTER OF )  
MEETING NO. 1088 )**

**STENOGRAPHIC REPORT OF PROCEEDINGS had at  
the 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 July  
21, 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

MARC TORRES, IT Analyst

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 Wednesday, July 21st.

3 Please call the roll.

4 MS. BURNS: Trustee Murphy.

5 MEMBER MURPHY: Here.

6 MS. BURNS: Trustee Tebbens.

7 MEMBER TEBBENS: Here.

8 MS. BURNS: Trustee McPhillips.

9 MEMBER MCPHILLIPS: Here.

10 MS. BURNS: Trustee Soni.

11 Trustee Valencia.

12 Trustee Conyears-Ervin.

13 Trustee Sheridan.

14 MEMBER SHERIDAN: Here.

15 MS. BURNS: Trustee Fortuna.

16 CHAIRMAN FORTUNA: Here.

17 MS. BURNS: Sir, you have a quorum of

18 five.

19 CHAIRMAN FORTUNA: Thank you.

20 I'd like to welcome First Deputy Mary  
21 Sheridan to her first meeting of the Pension Board.  
22 Welcome.

23 Public Act 101-0640 allows this meeting  
24 to be conducted by audio and video conference. The

1 Act requires a roll call vote on each matter acted  
2 upon.

3 Further consistent with Public Act  
4 101-0640, for the record, I am physically present  
5 at the Fund's office as is Fund Secretary and  
6 Executive Director. We have posted notice of this  
7 meeting in accordance with the Open Meetings Act  
8 and the meeting is being recorded. A transcript of  
9 this proceeding will be prepared and after approval  
10 will be made available on the Fund's website.

11 I do want to make a note here that we  
12 expect this will be our last virtual meeting under  
13 the Covid protocol and next month we will resume  
14 our regular meetings and hopefully everything will  
15 be back to normal here in the office.

16 Public Comment. Consistent with Public  
17 Act 91-0715 and reasonable constraints determined  
18 by the Board of Trustees, at each regular meeting  
19 of the Board or its committees that is open to the  
20 public, members of the public may request a brief  
21 time to address the Board on any relevant matters  
22 within its jurisdiction.

23 Are there any requests for public  
24 comment?

1 MR. QUANE: I am making a request to  
2 address the Board in public comment.

3 CHAIRMAN FORTUNA: Okay. Please state  
4 your name.

5 MR. QUANE: My name is Pat Quane,  
6 Q-u-a-n-e.

7 CHAIRMAN FORTUNA: Go ahead, Mr. Quane.

8 MR. QUANE: Good morning, Trustees. I  
9 appreciate the time to speak to you here in public  
10 comments.

11 Again, my name is Pat Quane. I am an  
12 active member of this Fund and my father also is a  
13 retired member of this Fund.

14 Today I regretfully address this Board  
15 with a concern and that concern that I have stems  
16 from just one powerful word and that is theft.

17 This word has been used in several  
18 publications written by a Trustee of this Board.  
19 It has lead to lawsuits, division amongst Trustees,  
20 and it has been a distraction from the work that  
21 this Board does, and it has also affected this Fund  
22 financially. Yet again it rears its ugly head and  
23 so soon after this legal action.

24 It was used in a most recent publication



1 titled "The Unofficial Pension Letter July of 2021.  
2 Legal Theft of Our Pension Fund".

3 In an effort not to waste this board's  
4 precious time, I will try to be brief.

5 As a lawsuit has just concluded, it is  
6 concerning the same actions by the same Trustees  
7 that have afflicted the financial loss of this Fund  
8 have reoccurred and, in noticeably a short period  
9 of time, history already seems to be repeating  
10 itself.

11 What lessons have we learned? It seems  
12 that in the issues today the focus of the Board  
13 should be on increasing the funding of this defined  
14 benefit plan and to limit any financial impact to  
15 the future of this just as we have seen in this  
16 most recent lawsuit.

17 In this most recent newsletter, the  
18 "Unofficial Pension Letter" is what it is titled.  
19 I struggle to see how it is unofficial. That is  
20 because the author identifies this publication as a  
21 pension newsletter and then goes on to sign this  
22 newsletter identifying himself as a Pension Board  
23 Trustee. To me, that is far from unofficial.

24 In my opinion, this Trustee is using an

1       elected position and the newsletter as a platform  
2       to provide misleading information and create a  
3       negative reflection on this Board and influence  
4       members of this Fund to what can be seen as none  
5       other than a benefit of his own political gain.

6                 Now I bring your focus to the content of  
7       the newsletter and the word theft. Theft, an  
8       extraordinary strong word and accusation to make,  
9       and one that has again proven costly to this board.

10                Again, we are faced with an accusation of  
11       theft and misleading supporting statistics used to  
12       skew people's thinking.

13                Included in this newsletter was a graph  
14       and the contents that suggested elected officials  
15       have committed a crime, that they have stolen money  
16       from this pension fund.

17                Although I do agree with the issue of  
18       funding that we face, I find it appalling that a  
19       Trustee would deliberately portray our elected  
20       officials as committing a theft and go as far as to  
21       identify even just one political party at-fault.

22                Section 6-165 of the Pension Code has,  
23       since 1972 up to Governor Quinn signing the Senate  
24       Bill 777, govern the contributions that the City of

1 Chicago makes to the Pension Fund.

2 During the period of time from 1982 to  
3 2015, the Pension Code used a multiplier of 2.26 to  
4 determine the City's contributions.

5 As we have learned from the multipliers  
6 used over 33 years that it was only a portion of  
7 the actuarial required contribution.

8 Was it legal, yes. Did it create an  
9 increased liability to our fund, yes. But in no  
10 way is it accurate that a theft has occurred and it  
11 is unfair to make those accusations.

12 To support this accusation of theft,  
13 again, he makes his case by using a graph, which  
14 excludes any data of the contributions for 2020 or  
15 2021 in a deliberate attempt to hide the progress  
16 that has been made to correct this issue and to  
17 show where we are going with the contributions  
18 today determined from an actuary.

19 Reality is we can't change the past, we  
20 can only learn from it to improve the future.

21 We have seen these issues that have been  
22 created with the use of multipliers for decades and  
23 the blame can be shared by everybody involved not  
24 just one entity.

1           I believe a proper acclimation of the  
2           issue at hand would have a positive and effective  
3           impact when construed in a different more  
4           professional context.

5           Finally, as the former president of Palos  
6           Height Fire Protection Pension Fund, I know  
7           firsthand the hard work and the tough decisions  
8           pension board trustees make, especially to a fund  
9           of this size.

10           I applaud and appreciate your efforts to  
11           the job that can often be thankless. I leave you  
12           with the questions of whether this newsletter that  
13           was authored is acceptable as a member who  
14           identifies himself as Pension Board Trustee and  
15           whether it is ethical to knowingly provide  
16           misleading information for one's own political  
17           gain. And whether more false accusations of an  
18           authored newsletter and somebody who identifies  
19           himself as a Pension Board Trustee could create  
20           more liability in the future.

21           I ask this board not to buy into the  
22           morally murky logic as suggested, but rather to  
23           continue to protect the Fund in the future.

24           Thank you.

1                   CHAIRMAN FORTUNA: Thank you.

2                   MEMBER MCPHILLIPS: Thank you, Pat,  
3 appreciate it. You can come every month. A word  
4 next month on funding, that would be good, if you  
5 want to focus on that.

6                   CHAIRMAN FORTUNA: Are there any other  
7 requests for public comment this morning?

8                   Hearing none, we will move on.

9                   We're going to turn it over to Secretary  
10 Murphy to proceed through the rest of the agenda.

11                  MEMBER MURPHY: Thank you, Mr. President.

12                  First, I would like to turn to the  
13 Approval of Administrative Items.

14                  We have Item A, approval of the regular  
15 audio meeting of June 16, 2021 open and closed  
16 minutes; regular audio meeting transcript of June  
17 16, 2021; the regular audio Investment Committee  
18 Meeting of June 30, 2021 open and closed minutes;  
19 and, regular audio Investment Committee Meeting  
20 transcript of June 30, 2021.

21                  I would like to make a motion to approve  
22 the open minutes, the audio transcripts, and the  
23 closed session minutes for the June 16, 2021 Board  
24 Meeting and the June 30, 2021 Investment Committee

1 meeting, and to keep the closed session minutes  
2 closed on the recommendation of counsel.

3 MEMBER SHERIDAN: Second.

4 CHAIRMAN FORTUNA: There is a motion to  
5 approve by Trustee Murphy and seconded by Trustee  
6 Sheridan.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER SONI: This is Reshma, I am here.

18 CHAIRMAN FORTUNA: Trustee Soni, hello.

19 MEMBER SONI: Good morning.

20 CHAIRMAN FORTUNA: Good morning.

21 MEMBER CONYEARS-ERVIN: This is Trustee  
22 Conyears-Ervin.

23 CHAIRMAN FORTUNA: Let the record reflect  
24 Trustee Soni and Trustee Conyears-Ervin are now in

1 the meeting.

2 MEMBER CONYEARS-ERVIN: I was in the  
3 meeting at roll call. Did you hear me, Mary Pat,  
4 during roll call?

5 MS. BURNS: No, ma'am, we couldn't hear  
6 you but we will let the record reflect that you  
7 were present.

8 CHAIRMAN FORTUNA: You did hear the  
9 motion by Trustee Murphy?

10 MEMBER CONYEARS-ERVIN: Yes. I have been  
11 on the call since roll call.

12 CHAIRMAN FORTUNA: We are terribly sorry.  
13 We didn't see you.

14 Trustee Soni, were you on the call also?

15 My question is if you heard the motion by  
16 Trustee Murphy, seconded by Trustee Sheridan, you  
17 do have an opportunity to vote. Would you like to  
18 vote, Trustee Conyears-Ervin?

19 MEMBER CONYEARS-ERVIN: Yes, I heard  
20 everything. I have been here since roll call, yes,  
21 and my vote is yes.

22 CHAIRMAN FORTUNA: Okay. Trustee Soni?

23 MEMBER SONI: I also was on as well but I  
24 was in the waiting room. I was waiting to come in.

1 CHAIRMAN FORTUNA: So you heard the  
2 motion, you heard the second, and your vote is yes?

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Motion carries.

5 Go ahead.

6 MEMBER MURPHY: Moving on to Item B,  
7 Minimum Formula Annuities. I make a motion to  
8 approve the Minimum Formula Annuities starting with  
9 Member 13055 and ending with Member 15927.

10 MEMBER MCPHILLIPS: Second.

11 CHAIRMAN FORTUNA: There is a motion to  
12 approve by Trustee Murphy. Seconded by Trustee  
13 McPhillips.

14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Sheridan.

17 MEMBER SHERIDAN: 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 Item C. I  
6 would like to make a motion to approve the Widow's  
7 Annuities starting with Member 15078 through Member  
8 09034.

9 MEMBER SONI: Second.

10 CHAIRMAN FORTUNA: Motion is to approve  
11 by 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: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Moving on to Item D,  
4 Refunds. I would like to make a motion to approve  
5 the Refunds for Member 15720 through Member  
6 11803.

7 MEMBER CONYEARS-ERVIN: Second.

8 CHAIRMAN FORTUNA: There is a motion by  
9 Trustee Murphy. Seconded by Trustee  
10 Conyears-Ervin.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee  
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Mr. President, moving on  
3 to Item E, Death Benefits. I make a motion to  
4 approve the Death Benefits for Member 15078 through  
5 Member 09034.

6 MEMBER MCPHILLIPS: Second.

7 CHAIRMAN FORTUNA: There is a motion to  
8 approve by Trustee Murphy. Seconded by Trustee  
9 McPhillips.

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 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: Mr. President, on to Item  
2 F, Partial Payments, I'd like to make a motion to  
3 approve the Partial Payments beginning with Member  
4 15078 and continuing through to Member 06561.

5 MEMBER SHERIDAN: Second.

6 CHAIRMAN FORTUNA: There is a motion by  
7 Trustee Murphy. Seconded by Trustee Sheridan.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: 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: Mr. President, moving on

24 to Item G, Benefit Recalculations. There are no

1       Benefit Recalculations this month.

2                   Moving on to Request for Permission.

3       First we have Guardianships. There is one  
4       guardianship matter for Member 09116. Staff  
5       represents to the Board that the required paperwork  
6       is in order. Based on that representation, I make  
7       the motion to approve Guardianship relating to  
8       Member 09116.

9                   MEMBER TEBBENS: Second.

10                  CHAIRMAN FORTUNA: There is a motion by  
11       Trustee Murphy. Seconded by Trustee Tebbens.

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: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Moving on to Item I,  
4 Removals. I'd like to make a motion to approve the  
5 Removals starting with Thomas Ogden and ending with  
6 Daniel Baumgartner.

7 MEMBER SONI: Second.

8 CHAIRMAN FORTUNA: There is a motion for  
9 Removals by Trustee Murphy. Seconded by Trustee  
10 Soni.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee  
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Mr. President, I'd like  
3 to move on to Request for Approval of Payments  
4 Pursuant to Administrative and Court Order. I'd  
5 like to make a motion to approve the administrative  
6 and court orders listed in the docket for Member  
7 015720 and Member 01245, based on the staff's  
8 representation that the required paperwork is in  
9 order.

10 MEMBER CONYEARS-ERVIN: Second.

11 CHAIRMAN FORTUNA: There's a motion to  
12 approve by Trustee Murphy. Seconded by Trustee  
13 Conyears-Ervin.

14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Sheridan.

17 MEMBER SHERIDAN: 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: Mr. President, I would  
6 like to move on to Item Number 4, which is the  
7 Disability Applications.

8 Vince, take it away.

9 MR. PINELLI: Good morning, to the Board.  
10 The first matter we have is the  
11 disability benefit application made by Firefighter  
12 Serrano.

13 Mr. Serrano, are you on the line, sir?

14 MR. SERRANO: Yes.

15 MR. PINELLI: Okay. This is the hearing  
16 on your application for a Duty Disability benefit.

17 Good morning, sir. I am one of the  
18 attorneys for the Fund.

19 Before we start evidence, I'd like to  
20 advise you of some preliminary matters. There are  
21 seven trustees currently present to hear your  
22 application.

23 If you don't know you should know you  
24 need the yes vote of at least five of the seven



1 trustees in order to receive this benefit. Do you  
2 understand that?

3 MR. SERRANO: Yes, I understand.

4 MR. PINELLI: Also, you did not have an  
5 attorney file an appearance on your behalf so I  
6 assume it was your desire to proceed without an  
7 attorney; is that correct?

8 MR. SERRANO: That is correct.

9 MR. PINELLI: Lastly, it is the  
10 applicant's burden of proof to present sufficient  
11 evidence to the Board in order for the Board to  
12 grant the benefit that the applicant is seeking.  
13 Do you understand it is your burden of proof?

14 MR. SERRANO: Yes, I understand.

15 MR. PINELLI: By way of procedures then,  
16 I am going to start by asking you some questions  
17 under oath. I will also ask some questions of the  
18 Fund's doctor, who is also present. If there is  
19 anything I don't ask him that you think is  
20 important, please let us know and you will be given  
21 that opportunity. Do you understand the  
22 procedures?

23 MR. SERRANO: Yes, I understand.

24

1 MR. PINELLI: Very well then. Is Dr.  
2 Samo on the line as well?

3 DOCTOR SAMO: Yes, I am.

4 MR. PINELLI: Thank you.

5 Mr. Serrano and Dr. Samo, please raise  
6 your right hands.

7 (Witnesses sworn.)

8 ROY SERRANO

9 a witness herein, having been first duly sworn, was  
10 examined and testified as follows:

11 EXAMINATION

12 BY MR. PINELLI:

13 Q Mr. Serrano, please state your name and  
14 spell your last name for the record.

15 A My name is Roy Serrano, S-e-r-r-a-n-o.

16 Q Sir, what is your rank with the Fire  
17 Department?

18 A Firefighter.

19 Q What was your last assignment before you  
20 went on layup?

21 A Truck 13.

22 Q Sir, directing your attention to that  
23 group of Board Exhibits you should have been  
24 tendered a copy of. Those are Group Board Exhibits

1 1 through 13, did you receive a copy of those  
2 before today's date?

3 A Yes.

4 Q Did you have a chance to review them?

5 A Yes.

6 Q Do you have any objection to their  
7 admission into the record in support of your  
8 application?

9 A No.

10 MR. PINELLI: Thank you, sir.

11 Mr. Chairman, I move for admission of  
12 Board Exhibits 1 through 13, without objection from  
13 the applicant.

14 CHAIRMAN FORTUNA: Admitted without  
15 objection.

16 (Board Exhibits 1 through 13 were  
17 admitted into evidence.)

18 MR. PINELLI: Thank you.

19 BY MR. PINELLI:

20 Q Directing your attention to the date of  
21 June 2nd of 2020, was it on that date that you  
22 sustained an injury or injuries that is the basis  
23 of your application?

24 A Yes, my right shoulder.

1           Q     Okay. Understanding that the Board has a  
2     copy of your sworn statement, could you still  
3     briefly summarize for us where you were and what  
4     happened to cause you that injury to your right  
5     shoulder that day?

6           A     Yes. We were called to a fire. We were  
7     I believe second truck and we started -- a working  
8     fire and I was pulling -- I was instructed by my  
9     officer to pull the ceiling, to vent the fire, to  
10    open up the ceiling.

11                As I was doing it, it was a mesh ceiling  
12    that's the hardest to break through but I was doing  
13    it, but after about ten pulls I felt a pop and I  
14    heard a pop in my shoulder. And I had prior damage  
15    from other duty related fires to my shoulder so I  
16    know the feeling of something not right. And I  
17    notified my officer that I messed up my shoulder  
18    again and he told me to go to the ambulance and get  
19    attended to and that is what I did.

20           Q     Okay. And you did cover that briefly but  
21    the record indicates you have had several injuries  
22    to your shoulder before this date and indeed  
23    several surgeries, including a total right shoulder  
24    replacement in 2016; is that correct?

1           A     No, that is not correct. I had total  
2     shoulder replacement in 2020. I have had repairs  
3     in 2016, yes. I have had rotator cuff once or  
4     twice, the labrum, but I never had it replaced. I  
5     am applying for Duty Disability because I had it  
6     replaced and my new shoulder is pain-free now but I  
7     also don't have the strength or the stability that  
8     my old shoulder had.

9           Q     Okay. Thank you for correcting that.

10                   The prior shoulder injuries that you had  
11     to your right shoulder those were incurred while  
12     you were also working on duty; is that correct?

13           A     Correct. They were all duty injuries,  
14     all of them. My rib, my hands, all of them. All  
15     on the right side.

16           Q     Understood. So the shoulder replacement  
17     you mentioned you had that surgery on September  
18     21st of last year; is that correct?

19           A     That is correct. I tried to avoid the  
20     complete shoulder replacement because I was afraid  
21     that it would be career ending. And my orthopedic  
22     surgeon, Dr. Visotsky, found another tear on my  
23     rotator cuff and we repaired that from the June 2nd  
24     injury. We repaired that. We tried to avoid the

1 replacement and he repaired it. I went to therapy  
2 but I was actually -- after a couple of months of  
3 therapy, I was regressing and I was advised to go  
4 see the surgeon. And after I spoke to him, I  
5 explained to him that I am getting worse than when  
6 I initially started the therapy. And then he said,  
7 well, we can't repair your shoulder anymore, we  
8 have to replace it. We have no choice now. And  
9 that is when I had the surgery in September a month  
10 or two later.

11 Q Okay. Now, sir, since you went on layup  
12 have you engaged in any activity by which you earn  
13 income?

14 A No.

15 Q Have you engaged in any sporting  
16 activities?

17 A No, I have not, other than physical  
18 therapy.

19 Q We don't consider that a sport. I  
20 understand.

21 A I'm sorry.

22 Q That is perfectly fine. I just wanted to  
23 clarify that.

24 Are you currently taking any medications

1 prescribed by your doctor for treatment of your  
2 shoulder?

3 A Not currently. Just high blood pressure  
4 medication every morning.

5 Q Okay. Do you have any appointments  
6 scheduled with Dr. Visotsky?

7 A I do. I think in August I think is my  
8 next one.

9 MR. PINELLI: Very well. Thank you.  
10 That is all the questions I have of this witness.

11 CHAIRMAN FORTUNA: Trustees, any  
12 questions?

13 MR. PINELLI: I call Dr. Samo to testify.

14 (Witness previously sworn.)

15 DANIEL SAMO, M.D.

16 a witness herein, having been first duly sworn, was  
17 examined and testified as follows:

18 EXAMINATION

19 BY MR. PINELLI:

20 Q Sir, please state your name?

21 A Daniel Samo.

22 Q You are a physician; is that correct?

23 A Yes, I am.

24 Q Do you perform a function as a consultant

1 to this Fund?

2 A Yes.

3 Q In that capacity, do you review medical  
4 records, examine applicants and report to the  
5 Board?

6 A Yes.

7 Q Did you follow that procedure with  
8 respect to Mr. Serrano, except you weren't able to  
9 examine him?

10 A Correct. It was a televisit.

11 Q Pursuant to that interview was the  
12 information that he provided to you consistent with  
13 the medical records that you reviewed?

14 A Yes.

15 Q Did you file a written report with the  
16 Board that is marked as Board Exhibit Number 2?

17 A Yes.

18 Q Doctor, could you just briefly summarize  
19 for us what the state of his current physical  
20 condition is with respect to his right shoulder?

21 A He's had now three surgeries. The last  
22 one being a hemiarthroplasty of his shoulder.  
23 First one was in 2003, he had a rotator cuff tear,  
24 after he tore his rotator cuff carrying an obese



1 patient. 2013 he had a labral repair after a floor  
2 collapsed under him. And then this most recent  
3 injury. He also had an injury in 2016 where he  
4 fell out of a window. At that time a total  
5 shoulder replacement was advised but he decided not  
6 to do it. He eventually had a scope in 2019 for  
7 that, returned to work May of 2020, and then a  
8 month later reinjured it as he described.

9 He currently still has -- he's actually  
10 doing well. He doesn't have any pain, especially  
11 not at rest, but he does have some loss of range of  
12 motion and especially has loss of strength. He has  
13 pain and the shoulder gives out if he says he lifts  
14 more than 15 to 20 pounds, especially with his arm  
15 extended. He also has trouble reaching behind him  
16 and so he said he really would be unable to reach  
17 the valve of his tank.

18 Q Doctor, given those limitations, due to  
19 his current condition, do you believe he would be  
20 able to perform his duties as a Firefighter with  
21 the Fire Department?

22 A No, I do not.

23 MR. PINELLI: Thank you. That is all the  
24 questions I have this witness.

1 CHAIRMAN FORTUNA: Trustees, any  
2 questions for Dr. Samo?

3 MEMBER MCPHILLIPS: No questions.

4 CHAIRMAN FORTUNA: Hearing none.

5 MEMBER MURPHY: I'd like to make a motion  
6 to grant the benefit requested by Firefighter Roy  
7 Serrano.

8 MEMBER MCPHILLIPS: Second.

9 CHAIRMAN FORTUNA: There is a motion to  
10 grant by Trustee Murphy. Second by Trustee  
11 McPhillips.

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: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: I'd like to make a motion  
4 for reexam consistent with the Board's policy.

5 MEMBER TEBBENS: Second.

6 CHAIRMAN FORTUNA: Motion for reexam by  
7 Trustee Murphy. Seconded by Trustee Tebbens.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: 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: Mr. President, counsel

24 has previously sent around proposed findings of

1 fact and conclusions of law. Having had a chance  
2 to review those, I make a motion to adopt the  
3 Findings of Fact and Conclusions of Law in this  
4 matter.

5 MEMBER CONYEARS-ERVIN: Second.

6 CHAIRMAN FORTUNA: Motion by Trustee  
7 Murphy. Seconded by Trustee Conyears-Ervin.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: 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 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. SERRANO: Thank you to all the  
7 Trustees, too. Thank you.

8 MEMBER MURPHY: Moving on I believe to  
9 Battalion Chief Lynda Turner is next.

10 MR. PINELLI: That is correct. Is Ms.  
11 Turner on the line?

12 MS. TURNER: Yes.

13 MR. PINELLI: Okay. Let the record  
14 reflect this is a hearing on the Duty Disability  
15 application being made by EMT Battalion Chief Lynda  
16 Turner.

17 Good morning, Ms. Turner. I am one of  
18 the attorneys for the Pension Fund that will be  
19 conducting this hearing for the record.

20 I would like to advise you of some  
21 preliminary matters before we start evidence.

22 First of all, there are seven trustees  
23 currently available and listening to the evidence  
24 on this matter to decide your application.

1                   If you don't know you should know you  
2                   need the yes vote of at least five of the seven  
3                   trustees in order to receive this benefit. Do you  
4                   understand that?

5                   MS. TURNER: Yes.

6                   MR. PINELLI: In addition, I see that you  
7                   did not have an attorney file an appearance to  
8                   represent you in this matter today. Is it your  
9                   desire to proceed without an attorney through this  
10                  hearing?

11                  MS. TURNER: Yes.

12                  MR. PINELLI: Lastly, it is the  
13                  applicant's burden of proof to present sufficient  
14                  evidence to the Board in order for the Board to  
15                  grant the benefit that the applicant is seeking.  
16                  Do you understand it is your burden of proof?

17                  MS. TURNER: Yes.

18                  MR. PINELLI: By way of procedures, I am  
19                  going to start by asking you some questions under  
20                  oath. I will then call the Fund's physician  
21                  consultant, Dr. Peters, who examined you, to  
22                  testify. If there is anything I don't ask him that  
23                  you think is important, could you please let me  
24                  know and you will be given that opportunity. Do

1       you understand the procedures?

2                   MS. TURNER:   Yes.

3                   MR. PINELLI:   Then we are ready to  
4       proceed.  Is Dr. Peters on the line?

5                   DR. PETERS:   Yes.

6                   MR. PINELLI:   Good morning, Doctor  
7       Peters.  Could you as well as Ms. Turner please  
8       both raise your right hands?

9                                   (Witnesses sworn.)

10                                   LYNDA TURNER

11       a witness herein, having been first duly sworn, was  
12       examined and testified as follows:

13                                   EXAMINATION

14                                   BY MR. PINELLI:

15               Q     Ma'am, would you please state your name  
16       for the record?

17               A     Lynda Turner.

18               Q     Ms. Turner, what is your current rank  
19       with the Fire Department?

20               A     Currently I am a EMT Battalion Chief.

21               Q     And what was your last assignment before  
22       you went on layup?

23               A     5th District Chief.

24               Q     Were you working as an Assistant Deputy

1 Fire Commissioner at that time?

2 A Before I went on layup, I was -- no, I  
3 was a District Chief for the 5th District.

4 Q Okay. Were you provided a copy of the  
5 exhibits that have previously been marked as Board  
6 Exhibits 1 through 14?

7 A Yes.

8 Q Did you have an opportunity to review  
9 them?

10 A Yes.

11 Q Do you have any objection to their  
12 admission into the record in support of your  
13 application?

14 A No.

15 MR. PINELLI: Thank you.

16 Mr. Chairman, I move for admission of  
17 Board Exhibits 1 through 14, without objection.

18 CHAIRMAN FORTUNA: Admitted without  
19 objection.

20 (Board Exhibits 1 through 14 were  
21 admitted into evidence.)

22 MR. PINELLI: There is one other exhibit.

23 Ms. Turner, you had provided us a copy of recent  
24 notes from your physician that examined you, Dr.



1 Pannu, that were dated 7-9-21. I'd like to admit  
2 those into the record as Applicant's Exhibit 1. Do  
3 you have any objection to that?

4 MS. TURNER: No.

5 MR. PINELLI: Mr. Chairman, I would also  
6 move for admission of Applicant's Exhibit 1, that  
7 report.

8 CHAIRMAN FORTUNA: Yes. Admitted without  
9 objection.

10 (Applicant's Exhibit 1 was admitted  
11 into evidence.)

12 MR. PINELLI: Thank you.

13 BY MR. PINELLI:

14 Q Now, Ms. Turner, directing your attention  
15 to the date of May 31, 2020, were you working that  
16 day with the Fire Department?

17 A Yes.

18 Q Did you sustain an injury or injuries  
19 that is the basis of your application?

20 A Yes.

21 Q Understanding that the Board does have  
22 your sworn statement or your statement, your  
23 written statement I should say, could you just  
24 briefly describe for us today where you were and

1 what happened to you?

2 A It was a very busy and hectic day May  
3 31st because it was the day that we had substantial  
4 civil unrest on the south side and everyone was  
5 working hard and doing a wonderful job.

6 I was responding to multiple fires at the  
7 time of my injury. I was responding to a fire at  
8 59th and Ashland and I was t-boned at 63rd and  
9 Ashland.

10 Q Okay. So another vehicle struck your  
11 fire department vehicle; is that correct?

12 A Yes.

13 Q And as a result of that did you sustain  
14 some injuries?

15 A Yes.

16 Q Just generally what parts of your body  
17 did you sustain injuries that are still causing you  
18 symptoms?

19 A It was on both sides of my neck, my  
20 shoulders into my back and like around my shoulder  
21 blade, through my right side, right arm. And I had  
22 greater pain on my dominant side, my right side.

23 Q Okay. Before this incident on May 31st  
24 of 2020, had you ever had any injuries or problems

1 with those areas before?

2 A I hurt it. An incident I guess with my  
3 -- when I injured my left hand utilizing my -- and  
4 I sought treatment for that. And other than that,  
5 I really -- No, I didn't have any other injuries.  
6 I was struck, though, at one point by a deluge gun  
7 at a fire which hit me but at that time I was not  
8 given a CT scan or anything of that nature so what  
9 if anything could have happened I cannot say  
10 directly.

11 Q That was a work related injury, though,  
12 you were working that day?

13 A Yes, I was working that day.

14 Q Did you have to layup because of that  
15 injury?

16 A I did not layup. I went to the hospital  
17 and my hip, where I had like a contusion on my hip,  
18 and that was it. They released me for that  
19 contusion but I was thrown about five feet. I was  
20 picked up off the ground literally and thrown five  
21 feet from the impact, from the impact of the deluge  
22 gun, and hit the ground. Like I said, there was no  
23 CT scan or anything at that time done.

24 Q Returning to this timeframe after this

1 injury, on May 31st, the records indicate you did  
2 undergo a period of conservative treatment,  
3 including physical therapy for 83 sessions. You  
4 also had a series of epidural steroid injections in  
5 April and May.

6 Can you describe for the board members  
7 did those treatments relieve your symptoms? And,  
8 if not, what symptoms are you still having?

9 A They helped me to manage the pain, those  
10 symptoms. Eventually I wasn't having much success  
11 with therapy until they started to utilize dry  
12 needling which helped me with migraines and helped  
13 to reduce my pain so that it was a little more  
14 tolerable. But they were not able to help me to  
15 have complete and total relief for any sustained  
16 period of time and were to build back up the lost  
17 strength on the right side.

18 Q Okay. And do these current symptoms you  
19 have do they impact you with respect to your  
20 activities of daily living? In other words, just  
21 what you do normally during the day, are you having  
22 any limitations because of these symptoms?

23 A Well, I have a very difficult time  
24 sleeping. I cannot sleep on my right side and it

1 impacts me because the lack of my sleep is so  
2 disturbed that, you know, I just find myself  
3 fatigued at different points in time. Also,  
4 because of the headaches, they come sometimes, you  
5 know, like midday I start to get severe headaches  
6 and this tension pain that builds up in my neck and  
7 shoulder and arm area makes me basically unable to  
8 workout or do like, you know, weights or anything  
9 of that nature. Restricts me to just doing basic  
10 things in my daily living.

11 Q Okay. With respect to since you went on  
12 layup, have you engaged in any activities by which  
13 you earn income?

14 A I don't engage in any activities, such  
15 activities.

16 Q Would that be true as well you don't  
17 engage in any sporting activities of any kind?

18 A Correct, no sporting activities.

19 Q Do you take any medications prescribed by  
20 your doctor to manage your pain condition?

21 A They give me Tramadol and I believe this  
22 is called Flexeril, like a muscle relaxant. And  
23 those -- you know, and they help me to sleep so I,  
24 you know, it can and does create for me sometimes

1       like a drowsiness.

2               Q       The records indicate you began to see Dr.  
3       Pannu to help treat your condition; is that  
4       correct?

5               A       Yes.

6               Q       He's a pain management doctor?

7               A       Dr. Pannu is actually a surgeon, my  
8       surgeon, and Dr. Jido is who I am currently seeing  
9       for pain management.

10              Q       The record that we have as Applicant's 1  
11       that is a recent report of July 19th from Dr.  
12       Pannu, the surgeon; is that correct?

13              A       Correct, that was my scheduled visit with  
14       him.

15              Q       Obviously, your career service rank is  
16       EMT Battalion Chief; is that correct?

17              A       Correct.

18              Q       And you're familiar with the job duties  
19       and responsibilities of a Battalion Chief in the  
20       Fire Department?

21              A       Yes.

22              Q       In fact, there is a Board Exhibit Number  
23       14 that contains a description of what a Battalion  
24       Chief needs to do.

1           Based upon your current condition, are  
2           you able to perform all those assigned duties as a  
3           Battalion Chief with the Department?

4           A     No, you know, with the pain that I have.  
5           First of all, I couldn't -- I can't wear turnout  
6           gear because the helmet is too heavy. It  
7           aggravates my migraines. You know, very difficult  
8           for me to feel pressure on my shoulders, that would  
9           be first of all. Secondly, I don't think that I  
10          would be able to operate on a 24-hour basis and  
11          perform those duties.

12          Q     Just to finish, there was a note from Dr.  
13          Nicholson I believe, one of the doctors that you  
14          had seen for treatment, and at one point he  
15          recommended that you engage in some work  
16          conditioning and take a Functional Capacity  
17          Evaluation. You indicated you couldn't do that.  
18          Could you just explain that to us?

19          A     Well, I talked with Dr. Nicholson and I  
20          explained that all of his therapy that he  
21          recommended for me, he also insisted that the  
22          physical therapy not do weight training. And so I  
23          explained to him that Work Hardening -- you know, I  
24          don't know, I asked him if he understood what that

1 would require because it would be like taking me  
2 from 0 to 100 and I was concerned of having a  
3 situation of further injury. And so I said I need  
4 -- you can make it so that they can start the  
5 weight training and start to work me up to that.  
6 And he said he understood but I spoke with the  
7 nurse and I also spoke with the therapist who also  
8 said, you know, I could not go from, you know, his  
9 current therapy recommendations to what he was  
10 requesting without potentially injuring myself  
11 further.

12 MR. PINELLI: Thank you. That is all the  
13 questions I have of this witness.

14 CHAIRMAN FORTUNA: Trustees, any  
15 questions?

16 MEMBER MCPHILLIPS: No questions.

17 CHAIRMAN FORTUNA: Hearing none.

18 MR. PINELLI: Then I call Dr. Peters to  
19 testify.

20 (Witness previously sworn.)

21 MICHAEL I. PETERS, M.D.

22 a witness herein, having been first duly sworn, was  
23 examined and testified as follows:

24 EXAMINATION



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BY MR. PINELLI:

Q Sir, please state your name.

A Michael I. Peters.

Q You're a physician; is that correct?

A Yes.

Q Is a copy of your qualifications attached to the Board Exhibits?

A Yes.

Q Do you perform a function as a consultant to this fund?

A Yes, I do.

Q In that capacity, do you review medical records, examine applicants and report to the Board?

A Yes, I do.

Q In certain circumstances due to the current Covid conditions rather than examining applicants you interview them over the phone; is that correct?

A Yes, that is correct.

Q And with respect to Ms. Turner is that the procedure you followed?

A Yes, it is.

Q And when you interviewed her was the

1 information that she provided to you consistent  
2 with the information you saw in the medical  
3 records?

4 A Yes, it was.

5 Q Now, doctor, could you briefly summarize  
6 for us her current condition as she reported it to  
7 you?

8 A She has consistently reported severe neck  
9 pain radiating primarily down the right upper  
10 extremities since her crash on May 31, 2020. It  
11 was a high speed MVC t-bone mechanism to her driver  
12 side.

13 She has had extensive conservative  
14 therapies, with two epidural steroid injections and  
15 83 sessions of PT, without resolution of her pain.  
16 Her imaging, her MRI, of the cervical spine shows  
17 diffuse degenerative changes, which are likely  
18 chronic and not caused by the crash, but  
19 nonetheless it's likely that the crash exacerbated  
20 those changes. Her EMG, however, does not support  
21 that there is any impingement of a nerve in the  
22 neck enough to be causing radiculopathy or shooting  
23 pain down the arm. She does have carpal syndrome  
24 in both hands which is a compression of nerve at

1 the wrist unlikely to be related to a crash. But I  
2 think her primary complaint as she explains is  
3 severe pain. It sounds like it is causing some  
4 interruption.

5 Q Did you also have the opportunity to  
6 review the job description of a Battalion Chief  
7 that is included?

8 A Yes, I did.

9 Q You saw the recent report from Dr. Pannu?

10 A Yes, I did.

11 Q Did that report -- was that consistent  
12 with the records you had seen or did it add  
13 anything to the record here with respect to her  
14 condition?

15 A I don't think the updated note from him  
16 added anything in terms of objective testing that  
17 she had. He didn't make any statements. He just  
18 interpreted the testing she's had but he didn't  
19 make any new statements as a conclusions. He  
20 essentially summarized the reports of those tests  
21 showing chronic appearing degenerative changes  
22 diffusely throughout her cervical spine. He did  
23 present an opinion as a neurosurgeon that he did  
24 not feel that given her condition she could perform

1 firefighter duties.

2 Q Again, based upon your review of the  
3 Battalion Chief job description, would you agree  
4 with that statement by him?

5 A Yes.

6 Q She was also treating with a pain  
7 specialist; is that correct?

8 A Yes.

9 Q Is there any indication in the records  
10 that any of the doctors questioned in any way the  
11 source or the veracity of her pain complaints?

12 A No, not at all.

13 Q And prior to this incident was there any  
14 indication that she had had similar cervical pain  
15 or discomfort?

16 A I didn't see any evidence in her medical  
17 records that she had previous spine injury or  
18 discomfort.

19 MR. PINELLI: Thank you, doctor, that is  
20 all the questions I have.

21 CHAIRMAN FORTUNA: Trustees, any  
22 questions for Dr. Peters?

23 MEMBER MCPHILLIPS: No questions.

24 CHAIRMAN FORTUNA: Hearing none.

1                   MEMBER MURPHY: Mr. President, I'd like  
2 to take a moment to make a motion to go into  
3 executive session pursuant to the Open Meetings Act  
4 Section 2(c)4.

5                   CHAIRMAN FORTUNA: There is a motion by  
6 Trustee Murphy.

7                   MEMBER VALENCIA: I will second.

8                   CHAIRMAN FORTUNA: Second by Trustee  
9 Valencia.

10                   Trustee Murphy.

11                   MEMBER MURPHY: Yes.

12                   CHAIRMAN FORTUNA: Trustee Sheridan.

13                   MEMBER SHERIDAN: Yes.

14                   CHAIRMAN FORTUNA: Trustee  
15 Conyears-Ervin.

16                   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 We are now in executive session.

3 (Whereupon, the Board went into  
4 Executive Session off the record.

5 No action was taken in Executive  
6 Session.)

7 MEMBER MURPHY: Mr. President, I'd like  
8 to make a motion to grant the benefits requested by  
9 Chief Turner.

10 CHAIRMAN FORTUNA: There is a motion to  
11 grant by Trustee Murphy. Is there a second?

12 MEMBER MCPHILLIPS: Second.

13 CHAIRMAN FORTUNA: There is a second by  
14 Trustee McPhillips.

15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Sheridan.

18 MEMBER SHERIDAN: Yes.

19 CHAIRMAN FORTUNA: Trustee

20 Conyears-Ervin.

21 Trustee Soni.

22 CHAIRMAN FORTUNA: Trustee McPhillips.

23 MEMBER MCPHILLIPS: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 MEMBER SONI: Please record me as a yes  
7 as well, I'm sorry. This is Trustee Soni.

8 CHAIRMAN FORTUNA: Okay. Let the record  
9 reflect you are a yes.

10 MEMBER MURPHY: Mr. President, I'd like  
11 to make a motion for reexam consistent with the  
12 Board's policy.

13 MEMBER SHERIDAN: Second.

14 CHAIRMAN FORTUNA: Motion by Trustee  
15 Murphy. Seconded by Trustee 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 Trustee Soni.

23 MEMBER SONI: Yes.

24 CHAIRMAN FORTUNA: Trustee McPhillips.

1 MEMBER MCPHILLIPS: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: Trustee Valencia.

5 MEMBER VALENCIA: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 MEMBER MURPHY: Counsel has previously  
9 sent around proposed finds of fact and conclusions  
10 of law in this matter. Having had a chance to  
11 review those, I make a motion to adopt the findings  
12 of fact and conclusions of law in this matter.

13 MEMBER TEBBENS: Second.

14 CHAIRMAN FORTUNA: Motion to adopt  
15 findings of fact made by Trustee Murphy. Seconded  
16 by Trustee Tebbens.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: 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: Trustee Valencia.

4 MEMBER VALENCIA: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 Based on the findings of fact and  
8 conclusions of law made by the Trustees, the  
9 Trustees have voted to grant you the benefit you  
10 have requested.

11 You will be notified by mail of the  
12 findings of fact and the Board's decision.

13 Ms. Turner, thank you, good luck and  
14 heal.

15 MS. TURNER: Thank you very much for this  
16 unfortunate incident that you guys had to hear from  
17 me and I appreciate your attention to my matter.

18 MEMBER MURPHY: I believe we have Ken  
19 Groszek, Firefighter from Engine 92. Vince.

20 MR. PINELLI: Yes, thank you, Mr.  
21 Secretary. Mr. Groszek, are you on the line, sir?

22 MR. GROSZEK: Yes, I am.

23 MR. PINELLI: Very good. Thank you, sir.

24 Let the record reflect this is a hearing

1 on the application of Firefighter Ken Groszek for  
2 an Ordinary Disability benefit being made on  
3 today's date.

4 Good morning, sir. I am one of the  
5 attorneys from the Pension Fund. I have a few  
6 matters I'd like to advise you of before we start  
7 evidence.

8 First of all, I believe there are at  
9 least six trustees present on the phone at this  
10 time to hear the evidence on your application. If  
11 you don't know you should know you need the yes  
12 vote of at least five of the six trustees in order  
13 to receive the benefit you're seeking. Do you  
14 understand that?

15 MR. GROSZEK: Yes, sir.

16 MR. PINELLI: And I see from the record  
17 you do not have an attorney representing you. Is  
18 it your desire to proceed without an attorney  
19 today?

20 MR. GROSZEK: Yes, sir.

21 MR. PINELLI: Lastly, it is the  
22 applicant's burden of proof to present sufficient  
23 evidence to the Board in order for the applicant to  
24 receive the benefit that he is applying for. Do

1       you understand it is your burden of proof?

2                   MR. GROSZEK:   Yes, sir.

3                   MR. PINELLI:   By way of procedures, I am  
4 going to start by asking you some questions under  
5 oath.   The board members may or may not have  
6 questions of you.   Then I will call the Fund's  
7 physician to testify.   If there is anything that I  
8 don't ask him that you think is important for the  
9 Board to know, please let me know and you will be  
10 given that opportunity.   Do you understand the  
11 procedures?

12                   MR. GROSZEK:   Yes, sir.

13                   MR. PINELLI:   Thank you.   Then we are  
14 ready to proceed.   Is Dr. Samo back on the line?

15                   DOCTOR SAMO:   Yes, I am.

16                   MR. PINELLI:   Very good.   Dr. Samo and  
17 Mr. Groszek, could you please raise your right  
18 hands?

19                                   (Witnesses sworn.)

20                                   KEN GROSZEK

21 a witness herein, having been first duly sworn, was  
22 examined and testified as follows:

23                                   EXAMINATION

24                                   BY MR. PINELLI:

1 Q Sir, could you please state your name?

2 A Ken Groszek.

3 Q What is your rank with the Fire  
4 Department?

5 A Firefighter.

6 Q What was your last assignment before you  
7 went on layup?

8 A Engine 92.

9 Q Prior to today's date you should have  
10 received a copy of what has been marked as Board  
11 Exhibits 1 through 9. Did you receive those?

12 A Yes.

13 Q Did you have an opportunity to review  
14 them?

15 A Yes, I did.

16 Q Do you have any objection to their  
17 admission into the record in support of your  
18 application?

19 A No.

20 MR. PINELLI: Mr. President, I move for  
21 admission of Board Exhibits 1 through 9, without  
22 objection from the applicant.

23 CHAIRMAN FORTUNA: Admitted without  
24 objection.

1 (Board Exhibits 1 through 9 were  
2 admitted into evidence.)

3 MR. PINELLI: Thank you.

4 BY MR. PINELLI:

5 Q Mr. Groszek, you entered service with the  
6 Fire Department in 2005; is that correct?

7 A Yes.

8 Q Are you currently experiencing an injury  
9 or illness that is preventing you from performing  
10 your duties as a firefighter?

11 A Yes.

12 Q Just generally what is that, sir?

13 A Depression and anxiety. I don't like  
14 leaving the house. It is something I have never  
15 dealt with before and I am just having a tough  
16 patch I guess.

17 Q Are you currently taking medications to  
18 help you manage that condition?

19 A Yes.

20 Q Does your current condition affect not  
21 only your ability to work but your activities of  
22 daily living?

23 A Yes.

24 Q Since you went on layup, have you engaged

1 in any activity by which you earn income?

2 A No.

3 Q And have you engaged in any sporting  
4 activities?

5 A No.

6 MR. PINELLI: Thank you. That is all the  
7 questions I have of the applicant.

8 CHAIRMAN FORTUNA: Trustees, any  
9 questions?

10 Okay, hearing none.

11 MR. PINELLI: I would call Dr. Samo.

12 (Witness previously sworn.)

13 DANIEL SAMO, M.D.

14 a witness herein, having been first duly sworn, was  
15 examined and testified as follows:

16 EXAMINATION

17 BY MR. PINELLI:

18 Q Sir, please state your name.

19 A Daniel Samo.

20 Q You're a physician; is that correct?

21 A Yes.

22 Q Do you perform a function as a consultant  
23 to this fund?

24 A Yes.

1           Q     And your qualifications as a physician  
2 are attached to the Board Exhibits; is that right?

3           A     Correct.

4           Q     As a consultant to the fund, do you  
5 review medical records, interview or examine  
6 applicants and report to the Board?

7           A     Yes, I do.

8           Q     Did you follow that procedure with  
9 respect to Mr. Groszek?

10          A     Yes.

11          Q     Did you file a written report that is  
12 marked as Board Exhibit Number 2?

13          A     Yes.

14          Q     And when you interviewed Mr. Groszek was  
15 the information that he provided to you consistent  
16 with the records that you had reviewed?

17          A     Yes.

18          Q     Could you briefly summarize for the Board  
19 the medical history and treatment regarding his  
20 current condition?

21          A     His condition began with anxiety at the  
22 beginning of the Covid epidemic. He went to work  
23 one day in April and had a fever and therefore was  
24 basically sent home. He wasn't allowed into the

1 station. He was tested. It took awhile for him to  
2 get the results but eventually it turned out he did  
3 not have Covid at the time.

4 While he was on layup, he was found to  
5 have very high blood pressure so he was put out for  
6 that. But then he was unable to come back after  
7 his blood pressure was controlled due to his  
8 ongoing anxiety.

9 Q Is he currently being treated with  
10 multiple medications for both his blood pressure  
11 and his anxiety?

12 A Yes.

13 Q Okay. Based upon that, do you believe he  
14 can perform his duties with the Fire Department at  
15 this time?

16 A No.

17 MR. PINELLI: Thank you, doctor. That is  
18 all the questions I have.

19 CHAIRMAN FORTUNA: Trustees, any  
20 questions for the doctor?

21 MEMBER MCPHILLIPS: No questions.

22 CHAIRMAN FORTUNA: Hearing none.

23 MEMBER MURPHY: I'd like to make a motion  
24 to grant Ordinary Disability benefits to Ken



1 Groszek .

2 MEMBER MCPHILLIPS: Second.

3 CHAIRMAN FORTUNA: There is a motion to  
4 grant. Seconded by Trustee McPhillips.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Soni.

10 MEMBER SONI: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: I would like to make a  
18 motion for reexam consistent with the Board's  
19 policies.

20 MEMBER SONI: Second.

21 CHAIRMAN FORTUNA: There is a motion for  
22 reexam by Trustee Murphy. Seconded by Trustee  
23 Soni.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee McPhillips.

7 MEMBER MCPHILLIPS: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Mr. President, counsel

13 has previously sent around proposed findings of

14 fact and conclusion of law in this matter. Having

15 had a chance to review those, I would like to make

16 a motion to adopt the findings of fact and

17 conclusion of law in this matter.

18 MEMBER MCPHILLIPS: Second.

19 CHAIRMAN FORTUNA: Trustee Murphy

20 findings of fact. Seconded by Trustee

21 McPhillips.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: 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 Based on the findings of fact and  
11 conclusions of law made by the Trustees, the  
12 Trustees have voted to grant you the benefit you  
13 have requested.

14 You will be notified by mail of the  
15 findings of fact and the Board's decision.

16 Good luck to you.

17 MR. GROSZEK: Thank you all for your  
18 time.

19 MEMBER MURPHY: Mr. President, moving on  
20 to approval of the Board Physician Reviews of  
21 Disability Recipients. I'd like to make a motion  
22 to approve the Board Physician's recommendations  
23 for review.

24 MEMBER SHERIDAN: Second.

1                   CHAIRMAN FORTUNA:  There is a motion by  
2  Trustee Murphy.  Seconded by Trustee Sheridan.

3                   Trustee Murphy.

4                   MEMBER MURPHY:  Yes.

5                   CHAIRMAN FORTUNA:  Trustee Sheridan.

6                   MEMBER SHERIDAN:  Yes.

7                   CHAIRMAN FORTUNA:  Trustee Soni.

8                   MEMBER SONI:  Yes.

9                   CHAIRMAN FORTUNA:  Trustee McPhillips.

10                  MEMBER MCPHILLIPS:  Yes.

11                  CHAIRMAN FORTUNA:  Trustee Tebbens.

12                  MEMBER TEBBENS:  Yes.

13                  CHAIRMAN FORTUNA:  And I am a yes.

14                  Motion carries.

15                  MEMBER MURPHY:  Moving along on the  
16 agenda, Mr. President, I'd lake to move on to  
17 Investment and turn this over to Lorna.

18                  MS. SCOTT:  I'd like to ask Marc to share  
19 the screen.

20                  Just as we start here, just a note that  
21 we did have the Investment Committee meeting on  
22 June 30th.  The good news there it was recorded and  
23 that recording is available to anyone who would  
24 like to have it.

1           It is just again reminding anyone, all  
2 the Trustees, that watching this meeting or this  
3 education session would count towards the required  
4 trustee education hours for this year.

5           Looking at the investment agenda, my plan  
6 really is to cover performance, the quarterly  
7 review of the private equity flows and review of  
8 security lending. And then Brady has a short  
9 presentation on the Fund's Asset Liability Study  
10 and then we will look at our cash position and our  
11 asset allocation.

12           So starting with performance, next slide,  
13 please. So this slide shows the state of the  
14 market thus far in 2021. These are the index  
15 returns for the asset classes where we are  
16 invested.

17           Looking at this slide 2021 looks great.  
18 These are some very nice returns. Themes you see  
19 here are commodities are up big and then within  
20 U.S. equities, that pandemic recovery theme, is  
21 still going strong. U.S. value stocks are up.  
22 U.S. small cap stocks are dominating.

23           So, as of 6-30, these returns do look  
24 good but looking ahead there are concerns. Things

1 are starting to bubble up. Things like inflation,  
2 you know, a reaction to that. There is ongoing  
3 Covid concerns around the Delta variant and any  
4 impact that may have on the economic reopening.

5 As of right now, or as of June 30th,  
6 everything looks great but the road ahead could be  
7 a little bit bumpy or shadowed a little bit with  
8 that.

9 Next slide, looking at the Fund  
10 performance, year-to-date the Fund is up 10 percent  
11 and outperforming the benchmark which is up 9.4  
12 percent. Again, thus far it is a very, very solid  
13 year and our longer term numbers look great, too.

14 Let's take a few minutes to talk about  
15 the year-to-date outperformance and the next slide  
16 is attribution, which shows how we are  
17 outperforming.

18 Looking at this chart, we are  
19 outperforming by 0.6 percent. Most of that  
20 outperformance is coming from that manager  
21 selection. Right there in the middle, manager  
22 selection and execution.

23 This is where we can calculate how much  
24 our active managers and style selection is adding

1 value. That outperformance is offset a little bit  
2 by 0.3 percent due to asset allocation. That is  
3 the cost of having different weights than the  
4 benchmark.

5 So the next slide breaks it down a little  
6 bit further. So year-to-date the Fund is up 10  
7 percent, we can see that in column three, versus  
8 the benchmark which is up 9.4. We can see that in  
9 column four.

10 Looking at the very last column, we can  
11 see that most of that outperformance versus the  
12 benchmark is coming from global ex-U.S. and fixed  
13 income.

14 Within global ex-U.S. equity, it is  
15 strong performance from our value managers. That  
16 is Brandes and LSV, who have done a very good job  
17 this year, and that was within global ex-U.S.

18 Within fixed income, outperformance  
19 primarily coming from Loomis which has a tilt  
20 toward credit in its portfolio.

21 Staying on that last column, we can see  
22 the contribution of negative 0.2 percent from  
23 private equity. We can see that contribution is  
24 coming from allocation. That allocation

1 calculation comes from being below target in an  
2 asset class that is performing very strongly.

3 You can look at the weights in column one  
4 and column two, the Fund has 1.6 percent invested  
5 versus the benchmark, which has 4 percent  
6 allocated.

7 Here is a reminder that we did commit  
8 \$40 million in 2020 to close that gap versus the  
9 policy and we expect to get close to that target as  
10 our managers draw down against our commitment over  
11 the next couple of years.

12 That is performance, so next slide, our  
13 MWDBE allocation. So there is really no changes  
14 here. As we have discussed, we are underweight in  
15 our goals for emerging managers but we are  
16 exceeding our goals for the total MWDBE allocation.

17 Moving on to our next slide, this is our  
18 quarterly review of our cash flows related to  
19 private market investments.

20 As I mentioned, we have committed an  
21 additional \$40 million to private equity in 2020.  
22 As of 6-30, we have \$48.7 million outstanding in  
23 commitments to private markets.

24 You can tell from this chart but managers



1 are starting to call that capital. Year-to-date  
2 through 6-30 capital calls has been 2 and a half  
3 million and that has been been offset by  
4 distributions of \$1.4 million. Our net outflow for  
5 private markets thus far for 2021 is \$1.1 million.

6 We still have a ways to go to close that  
7 gap against our policy target but we do expect  
8 capital calls to pick up pace this year and into  
9 next.

10 Next slide looks at our security lending.  
11 Again, this is a quarterly review. This first  
12 slide is a list of the borrowers of all of our  
13 securities as of June 30th.

14 The Fund has \$93 million out on loan,  
15 that is spread across this list of borrowers.  
16 Looking at this list, all these borrowers have good  
17 credit ratings. We are not concentrated in any  
18 particular borrower and we have received an  
19 appropriate level of collateral so everything looks  
20 good.

21 The next slide looks at the level of  
22 security lending income. For the year, we have  
23 grossed \$122,000 in security lending income.  
24 Northern's fees are \$30,000 and that leaves us with

1       \$91,000 in security lending income year-to-date.

2               Finally, the next slide answers the  
3 question of how much of our portfolio was out on  
4 loan to earn that \$91,000.

5               So approximately 12 and a half percent of  
6 the total securities available to loan were out on  
7 loan. It is about 8 and a half percent of total  
8 funds.

9               At this point I can pause for any  
10 questions. Otherwise, I will pass it over to Brady  
11 for the Asset Liability Study overview.

12              Marc, if you want to bring up Brady's  
13 presentation.

14              MR. O'CONNELL: Thank you, Lorna.

15              While that's getting queued up, I will  
16 just spend a minute and a half on this project.

17              And, Marc, if you could turn to Page 2.  
18 Thank you.

19              I just wanted to bring the Board up to  
20 speed on the plan for this major project. An Asset  
21 Liability Study is a comprehensive review of the  
22 benefit payment projections that your actuary makes  
23 combined with the cash contribution projections  
24 from the City and the employees. And we use that

1 as inputs to our process and then we evaluate  
2 alternative asset allocation strategies the Fund  
3 can use to maximize our ability to provide benefits  
4 into the future.

5 So we will take all these elements into  
6 consideration through the course of this project.  
7 The last time we did this was 2016/2017 and the  
8 picture I think on the funding side in particular  
9 has changed considerably since then. I think the  
10 picture will be much better than it was five years  
11 ago.

12 If we turn to the next page, just a quick  
13 update on the timeline for this. We have already  
14 begun. Some of the Trustees attended the review of  
15 infrastructure so there is an educational element  
16 of this project.

17 We have discussed with Lorna conducting  
18 another educational session on the topic of private  
19 credit so stay tuned for more information on that.  
20 It would be a process similar to what we did with  
21 infrastructure where we would hear from a subject  
22 matter expert on the topic and then consider adding  
23 this as an asset class as part of the Asset  
24 Liability Study.

1           For the Trustees who weren't around for  
2           the 2016/2017 study, this process is very similar.  
3           So at that time as a result of that study we did  
4           add new asset classes in core real estate, global  
5           REITS, treasury inflation protected securities and  
6           liquid diversified strategies.

7           All of those were discussed at an  
8           educational level before we introduced an actual  
9           allocation to them.

10          Not every asset class that we do  
11          education on will result in a new allocation but we  
12          want to give the Trustees some background on the  
13          asset class before we consider it as a potential  
14          investment.

15          Looking at this timeline, it is a process  
16          that takes several months to complete. We have  
17          already received the cash flow and the valuation  
18          information from Segal so they are a critical input  
19          to this process.

20          And the process, like I said, has already  
21          begun so just a heads up for a potential education  
22          session and then we hope to wrap this up towards  
23          the end of the year. Ideally by the November 2021  
24          meeting. And then the new asset allocation target

1 that is adopted by the Board will be incorporated  
2 into the Statement of Investment Policy.

3 Maybe one last comment, if we can turn to  
4 Page 6, just a heads up. We did hear from Lorna  
5 about how extraordinary the recent returns from the  
6 capital markets have been. When we do this study,  
7 we incorporate Callan's estimate of the next ten  
8 years of returns.

9 You will see here in bold a highlighted  
10 comment that shows different rates of return for  
11 the different asset classes we will use when we put  
12 the portfolio together.

13 A theme that we have had in discussions  
14 with our clients is helping them come to terms with  
15 the difference between very strong historical  
16 recent returns and more modest future returns.

17 The starting point from investing today  
18 involves modest low interest rates and as interest  
19 rates rise fixed income returns come down. We do  
20 think bond returns will be modest from this point  
21 going forward. We also know equities have been on  
22 a tremendous run and that equity market valuations  
23 or the price in terms of dollars that you pay for  
24 earnings are very high and that's not typically

1 sustainable. We do expect more modest returns in  
2 the next ten years then we have seen recently, that  
3 is just an issue that is impacting all investors.

4 Callan's outlook for the next ten years  
5 is similar to other consultants and other asset  
6 managers. This theme of just coming to terms with  
7 modest expectations over the next ten years is one  
8 that you will hear and it is a stark contrast to  
9 the really extraordinary returns we have seen over  
10 the last past 12 months.

11 So that is an overview of the process. I  
12 am happy to answer any questions you may have about  
13 that.

14 MEMBER MCPHILLIPS: Thanks, Brady.

15 MS. SCOTT: Let's move on to our cash  
16 needs. I will ask Marc to share the screen with  
17 the next item and turn it over to Jackie.

18 MS. VLAHOS: For our cash needs for the  
19 month of July, we currently have \$69.4 million in  
20 our Chase account. We're still anticipating an  
21 additional \$1.8 million in salary contributions.  
22 Bringing us to an available cash balance for the  
23 end of July to pay benefits of \$71.2 million.

24 Our anticipated expenditures for the

1 month is going to be \$34.1 million. Bringing us to  
2 a surplus at the end of July for \$37.1 million.

3 If you go to the next slide is for our  
4 cash projections. As you can see, we still have a  
5 remaining -- if you look under the column titled  
6 Average Tax Receipts, we have a remaining \$123.9  
7 million for anticipating in tax receipts.

8 We are currently right on target for what  
9 we projected that we would be collecting as of  
10 to-date.

11 And as you can see towards the right side  
12 of the drawdown from managers, we are not  
13 anticipating any other drawdowns, as long as  
14 everything comes in as we're projecting for the  
15 remainder of the year.

16 Obviously, we have a couple of things to  
17 take into consideration. I believe the due date  
18 this year for the second installment is September  
19 1st as well as I believe the penalties for late  
20 payment are waived until October 1st.

21 I know last year there was a little bit  
22 of leniency going on and that did not affect how  
23 our collections came in. Hopefully, that is the  
24 same case for this year. Hopefully, people will

1 still pay the normal due date even though they are  
2 given a little bit of leniency.

3 As well as if you look for the next year  
4 and to 2022, you can see just due to timing  
5 hopefully we're a little off and we might get a  
6 payment earlier. As of right now, in January, we  
7 are anticipating an \$8.5 million of a drawdown  
8 potentially to cover our benefits, if everything  
9 goes exactly as we're planning. If we get an early  
10 payment in January, then we won't need it.  
11 Hopefully, that is the case.

12 Back to you, Lorna.

13 MS. SCOTT: Thank you. Marc, pull up the  
14 rebalancing template.

15 So we don't have to raise cash so we do  
16 have enough cash for at least one more month of  
17 benefit payments so we should be good until the end  
18 of September.

19 Let's use this chart to look at our asset  
20 allocation and review how we are invested versus  
21 our target.

22 That last column, the variance,  
23 highlights our differences versus our policy.  
24 Looking at the last column, you can see we are



1 above target in public equities and that is offset  
2 by being under target in private. Then we are  
3 under target in real assets and liquid diversifying  
4 and that is offset by overweights in fixed income  
5 and cash.

6 These differences are small and we don't  
7 expect big performance differences due to these  
8 differences versus targets. Our goal is eventually  
9 to get closer to target.

10 In summary, we are broadly in range with  
11 our asset allocation targets at this point.

12 I think that pretty much covers it. We  
13 covered performance. Remember, the Fund is up 10  
14 percent. We are outperforming our benchmark. We  
15 reviewed the private equity cash flows. We  
16 reviewed security lending. Brady gave us an asset  
17 liability overview. We talked about the cash  
18 position. So that concludes the investment report.

19 MEMBER MURPHY: Thank you, very much,  
20 Lorna.

21 Mr. President, moving on to Number 7, the  
22 2020 Audit Report and presentation. The first item  
23 we need to formally ratify the phone poll conducted  
24 on June 29, 2021 accepting and filing the 2020

1     Audit Report in order to be able to provide such  
2     Financial Statements to the City of Chicago in a  
3     timely manner.

4             I would like to make a motion to ratify  
5     the phone call and spread it upon the record.

6             MEMBER SHERIDAN:    Second.

7             CHAIRMAN FORTUNA:    There is a motion by  
8     Trustee Murphy.    Seconded by Trustee Sheridan.  
9             Trustee Murphy.

10            MEMBER MURPHY:    Yes.

11            CHAIRMAN FORTUNA:    Trustee Sheridan.

12            MEMBER SHERIDAN:    Yes.

13            CHAIRMAN FORTUNA:    Trustee Soni.

14            MEMBER SONI:    Yes.

15            I just wanted to thank Jackie.    She  
16     really helped us out in making sure that we could  
17     get these reports in time.    Worked very hard many  
18     times at midnight or afterwards and truly I want to  
19     appreciate her efforts as well as Sarah as well.  
20     Thank you.    Thank you, both.

21            MS. VLAHOS:    Thank you.

22            CHAIRMAN FORTUNA:    Trustee McPhillips.

23            MEMBER MCPHILLIPS:    Yes.

24            CHAIRMAN FORTUNA:    Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: I am a yes.

3 Motion carries.

4 MEMBER MURPHY: Mr. President, next we  
5 have the auditors Mitchell & Titus regarding the  
6 audit report. I will turn it over to Kelly or  
7 Jackie and they can introduce the auditors making  
8 their presentation.

9 MR. ADEGOKE: Good morning.

10 MEMBER MURPHY: Good morning.

11 MR. ADEGOKE: Good morning, everyone. My  
12 name is Kenny Adegoke and I serve as the Executive  
13 Director on this party of Mitchell & Titus.

14 Joining me today is Garfield Carr, who is  
15 the Audit Manager.

16 I recognize this is the first time  
17 meeting with you as your new auditor and it is my  
18 pleasure to present the results of your 2020 audit  
19 of the Pension Fund.

20 We provided a document, a slide, which I  
21 hope everybody has a copy of, and I wasn't sure if  
22 we can share this with you. Okay, great.

23 So we can speak to the letter, to the  
24 introduction letter.

1           It is a pleasure to meet with you and we  
2           thank you for the opportunity to serve the Fund.

3           When you look on the index page of our  
4           slides, we have on the agenda the Executive  
5           Summary, the 2020 audit results and required  
6           communication, technical developments, and general  
7           information about our firm Mitchell & Titus.

8           The entire content of this slide is  
9           provided for your information but in the interest  
10          of time I will only discuss the key items.

11          However, please feel free to ask questions, if I  
12          skip on any item that is of interest to you.

13          Also, if any matter comes up after this  
14          meeting that you need to raise, please feel free to  
15          email or give us a call.

16          On Page 4 of the slides, we discuss the  
17          execution of the 2020 engagement. We complete the  
18          audit of the Fund as well as the schedules of  
19          pension amounts and insurance amounts.

20          We issued a clean opinion, which in  
21          technical term we refer to as a modified opinion.  
22          All the reports were dated June 29, 2021.

23          Currently review of the Fund's compliance  
24          with the Illinois Pension Code is currently ongoing

1 and we will talk about procedure. We expect this  
2 process to be completed no later than August 5th in  
3 the next two or three weeks or so.

4 As far as the overall 2020 audit on the  
5 high level and based on the results of the audit,  
6 we believe that the Fund analysis of significant  
7 accounting matters is appropriate and that the  
8 accounting estimates and judgment utilized by  
9 management are reasonable.

10 We found no material uncorrected  
11 misstatements and the amounts reported in the  
12 financial statements overall are fairly stated in  
13 all material respects.

14 Lastly, as far as cooperation from the  
15 management and personnel, we received full  
16 cooperation from everyone and we were allowed  
17 complete access to books and records and we are  
18 thankful for their efforts and assistance.

19 We recognize, as I said earlier, this is  
20 our first year. First year is always a learning  
21 curve not because of a lack of experience because  
22 we have done this so many times for other clients  
23 but whenever you start a new client you have to  
24 learn the process, you learn how things are done,

1 find the source of information and we were grateful  
2 for the efforts that everyone provided.

3 Just to talk in general about our audit  
4 approach. Our audit is a risk based approach and  
5 our audit plan emphasize on the significant  
6 accounts on international statements. And this  
7 includes the Fund's assets, specifically,  
8 investment related accounts, meaning earnings as  
9 well as the net pension liabilities.

10 On Page 5, we discussed a little bit  
11 about our test of investments. Of course, our  
12 overall objectives with respect to investments are  
13 to insure to validate that the assets are properly  
14 valued and that the related earnings and accounts  
15 as included in the financials are fairly stated and  
16 consistent with GASB Number 72.

17 We also verify that the required  
18 disclosures are included in the financial  
19 statements. And, based on our overall audit work,  
20 we believe that the Fund investments and valuation  
21 policies are appropriate.

22 Continuing on Page 6, significant  
23 accounting policies, with respect to the pension  
24 liability which is another significant account.

1                   Our objective is to evaluate the  
2                   appropriateness of the actuarial assumptions as  
3                   utilized by the Fund's actuary Segal.

4                   We utilize the service of actuarial  
5                   specialists because our firm does not provide  
6                   actuarial services. We know a little bit for our  
7                   audit. Evaluating those numbers and assumptions we  
8                   use a specialist.

9                   Overall, the conclusion is that the  
10                  Fund's method and assumptions are reasonable and  
11                  that the required supplemental information as  
12                  provided are appropriate.

13                  Moving on to Page 7, here we talk about  
14                  specific area of audit emphasis and in the previous  
15                  sections I talked a little bit about investments  
16                  and the net pension liability. However, in this  
17                  section we provide you more detail about the  
18                  specific audit procedures that we perform to verify  
19                  investments as well as other key accounts to put in  
20                  the financial statement.

21                  We felt this is important for you to know  
22                  in our first year on this job so that you see the  
23                  level of detail that we perform.

24                  Now I will start with the investments.

1 It is our firm's standard practice to confirm  
2 investments directly with the Fund managers as well  
3 as the asset custodian in order to establish the  
4 existence of those investments.

5 We obtain investment transaction  
6 statements and very happy to report you reported  
7 earnings, including gains and losses. And we also  
8 use or benchmark this information against market's  
9 information. In essence, we use our own outside  
10 sources subscription to verify that the reported  
11 value are consistent with the market information.

12 We also obtain a review to self-perform  
13 report, which is a report on internal control of  
14 the perspective entities that forward investments  
15 or provide services to the firm.

16 Our purpose is to insure that the  
17 business practices and processes are in good order  
18 and from our audit we did not find any exception  
19 with respect to investments, reporting and  
20 valuation.

21 Moving onto Page 8, actuarial  
22 information. I talked a little bit about these  
23 before. We review the census data that was  
24 utilized by our City for the actuarial valuation.



1 And the overall process with respect to this  
2 activity is to verify the accuracy of this  
3 information and this includes updates, hire dates  
4 and salaries.

5 We also confirm this information as  
6 applicable with the City, City of Chicago, to  
7 insure that the information between the data  
8 applied by the City and the Fund are consistent and  
9 from this exercise we found no material exceptions  
10 from our audit procedures.

11 Benefit payments. We reviewed a sample  
12 of benefits paid to participants primarily to  
13 insure that the payments are consistent with the  
14 Fund provision and also to validate that these  
15 payments are appropriate and support it.

16 We review on the individual level as well  
17 as the aggregate level and for the aggregate we  
18 insure that the total payouts compare appropriately  
19 with the trust statements. Also, we did not see  
20 any significant exceptions from performing these  
21 audit procedures.

22 Employee contributions. Members  
23 contributions. We agreed to the reported amounts  
24 that is based on the schedule and payroll records.

1 And also for a sample of participants, we determine  
2 if the employee contributions were properly  
3 calculated in accordance with the Public Act  
4 99-0506.

5 From this exercise and procedures  
6 performed, we found no material exceptions in the  
7 audit.

8 Lastly, on Page 8, financial statements  
9 and reporting process. Reflecting back on the  
10 overall procedures that we have done, that we  
11 performed over the key areas as I have discussed  
12 earlier, the result of those audits enable us to  
13 conclude that the Financial Statement for the year  
14 2020 fairly stated in accordance with the U.S.  
15 GAAP. That sums up the accounting matters.

16 On Page 10 through 14 of the slides, we  
17 have identified this information that we are  
18 required by the professional guidance to  
19 communicate to the Board, such as the Board of  
20 Trustees or any other governing body.

21 It is a long list of items and I will  
22 only discuss the key items. However, please feel  
23 free to ask questions if I skip any item that is of  
24 interest to you.

1                   Starting on Page 10, ethics requirements  
2                   and independence. We are required to communicate  
3                   that each member of the engagement team, including  
4                   myself and Garfield, have met our firm's  
5                   independence and ethics standards as required by  
6                   the AICPA.

7                   Quantitative aspects of the entities  
8                   significant accounting practices. We found no  
9                   unusual transactions or accounting policies for  
10                  which there is a lack of authoritative guidance.  
11                  We also believe that the accounting estimates are  
12                  reasonable as I have stated earlier.

13                  Page 11, I will skip to the last item,  
14                  which is identification of fraud. We did not  
15                  identify any actual or suspected fraud in our  
16                  audits and our communication also with the team did  
17                  not reveal any such occurrence.

18                  Still on Page 11, difficulties  
19                  encountered during the audit. We did not encounter  
20                  any difficulties in dealing with the management.  
21                  As I indicated earlier, we received full  
22                  cooperation from everyone.

23                  Just to reflect back, again, this is our  
24                  first year and there is a learning curve to get to

1 know how to sit down and we take more time to  
2 insure that we fully understand the process.

3 We do not come in with the approach as  
4 business as usual. We wanted to make sure that we  
5 sat down right so that there will be an  
6 opportunity, if any, to make suggestions for  
7 improvement as far as business processes and  
8 practices.

9 Skipping on to Page 12, uncorrected  
10 misstatements. We found no uncorrected  
11 misstatements in the financial statements. If  
12 there were any, they would be required to be  
13 adjusted. However, our audits do not disclose any  
14 significant misstatements.

15 Still on Page 12, disagreement with  
16 management. We had no disagreements with  
17 management on any issue whether relating to  
18 accounting and auditing matters. We appreciate the  
19 efforts.

20 Page 13, I will skip to the last item,  
21 which is non-compliance with the laws and  
22 regulations.

23 Our audit did not identify any matter  
24 involved in compliance issues with applicable laws

1 and regulations whether relating to the city,  
2 states or any other entities.

3 Page 14, as required by the professional  
4 standards, we assess the ability of the Fund to  
5 continue as a going concern for a reasonable period  
6 of time.

7 Our audits did not disclose any issues,  
8 identify any issues, about the ability of the  
9 public fund to continue operation for a long time.  
10 That sums up for the required communication.

11 On Page 16, we provided two items that  
12 are termed technical developments. We provided  
13 these items just for your information. And we do  
14 not expect any of these to have any significant, if  
15 any, impact on the Fund's financial statement when  
16 they are applicable. Right now I think for most of  
17 these the implementation are two or three years  
18 ahead.

19 Lastly, on Page 18 to 21, we provided you  
20 some information about our firm, Michelle & Titus.  
21 Just general information about specifically  
22 information related to our practice in our public  
23 sector industry and the value we bring to serving  
24 clients such as the Firemen Fund.

1           To this end, I will end my discussion and  
2           raise the floor for any questions or comments and  
3           in closing we appreciate the opportunity to serve  
4           the Firemen's Fund of Chicago. Thank you.

5           CHAIRMAN FORTUNA: Trustees, any  
6           questions?

7           Hearing none.

8           Secretary Murphy.

9           MEMBER MURPHY: Thank you, Mr. Adegoke.  
10          Mr. President, I'd like to move on to  
11          Number 8, Expenditures.

12          MR. WELLER: Excuse me, just a quick  
13          question. When we ratified the poll, the poll  
14          specifically says we accept the 2020 audited  
15          financial statement so that de facto vote allows us  
16          to go ahead and post and recognizes it. Thank you.

17          MEMBER MURPHY: Moving on to  
18          Administrative Expenses for Board Review and  
19          Approval. I would like to make a motion to approve  
20          the administrative expenses as presented.

21          MEMBER TEBBENS: Second.

22          CHAIRMAN FORTUNA: There is a motion by  
23          Trustee Murphy. Seconded by Trustee Tebbens.

24          Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee McPhillips.

7 MEMBER MCPHILLIPS: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 TRUSTEE CONYEARS-ERVIN: I am a yes.

13 CHAIRMAN FORTUNA: You are back. Let the  
14 record reflect Trustee Conyears-Ervin is a yes.

15 MEMBER MURPHY: Mr. President, moving on  
16 to Item 9, the Executive Director Report. I would  
17 like to ask our new Executive Director, Mr. Kelly  
18 Weller.

19 MR. WELLER: Thank you. First thing I'd  
20 like to say is just thank you to this Board. It's  
21 been a privilege to be selected. It is an honor to  
22 be sitting in this position. The 21 days has just  
23 been a phenomenal and exciting start.

24 Those of you that see the smile on my

1 face it really has been extraordinary and I do  
2 appreciate the opportunity and I do want to make  
3 sure and say thank you for this.

4 One of my first official duties, and it  
5 was a very fun duty, was to welcome First Deputy  
6 Chief Mary Sheridan to the Board as a new trustee.

7 It was great to get to meet her. We went  
8 through the swearing in process. We went through  
9 the training process together. Quite a nice start  
10 for both of us as we went into the first week.

11 So, thank you, Trustee Sheridan, for  
12 helping me as well.

13 A big thing that is going on across the  
14 country is Covid and it continues to be an issue  
15 with the Delta variant. We have moved forward  
16 officially and opened our office to the public. It  
17 is on the door as you come in so those that were  
18 here today saw our new policy.

19 Essentially, it is following the same CDC  
20 guidance as Stage 5, which is unvaccinated people  
21 should continue to wear masks. Vaccinated people  
22 can operate under the old requirements.

23 So with that, we were thrilled to have  
24 the office open as of Monday. Lori and I are



1 continuing on our plan to bring the employees back  
2 into the office and hopefully we will have that  
3 done by the Labor Day holiday. At least that is  
4 our tentative goal, if things stay where they are  
5 at now. So we are working on that and more to  
6 come.

7 We have got the election rules which are  
8 coming up. I don't want to go too deep into that.  
9 I just want to say we have secured an engagement  
10 letter from our election administrator, Bansley and  
11 Kiener. As well as a firm quote from our printer,  
12 the Mittera Group. We do have the post office  
13 boxes secured. We can't pay those until August but  
14 we do have them secured and we have our timeline  
15 set so we believe for the election we have got all  
16 the structural pieces in place and all the vendors  
17 in place with which to proceed.

18 We have got some economic items that we  
19 will talk about at a different place in the agenda  
20 but from a broad perspective everything is in place  
21 there.

22 We did have the passage of a new Public  
23 Act 102-0091. I have had a chance to just briefly  
24 speak with our lobbyist and our legal.

1                   At this point in time, I don't have  
2                   enough guidance with which to guide the staff on  
3                   how we're going to interpret this. It does create  
4                   some complications for those who are looking at me.  
5                   It is in the BoardPaq as a Public Act and it's  
6                   basically the presumptive heart disease and  
7                   occupational. If I am not including everything,  
8                   forgive me. But it's basically allowing an  
9                   individual who has retired to go back and seek an  
10                  occupational or a heart and lung issue after they  
11                  have retired.

12                  So we are working on the procedures and  
13                  process for that to get it implemented and more to  
14                  come on that.

15                  I just received notice this morning  
16                  thankfully on the duty availability pay. We had  
17                  the issue resolved to 193 out of 196. Now we have  
18                  the issue resolved to 197 so we have two people  
19                  that weren't paid. The City has acknowledged that  
20                  that was an oversight, that will be corrected. We  
21                  have one individual that they are indicating that  
22                  was not eligible, which is fine. We are now, with  
23                  this Board's approval, going to move forward with  
24                  getting those individuals paid and getting the

1 programming done to make that happen.

2 MS. BURNS: You will get back to the  
3 Board to approve the specifics?

4 MR. WELLER: Correct. Right now with the  
5 Board hearing that we are going to move forward and  
6 having no concerns considering we have collected  
7 the payments, we are going to move forward getting  
8 the programming done, which is the next phase in  
9 this process. When we get that done, we will bring  
10 the payment changes to the Board for formal  
11 approval. That is a nice issue to have off the  
12 table.

13 Next month you will see an agenda item  
14 and we're going to bring in our management  
15 fiduciary liability carrier. We are starting that  
16 process right now. It is still too early to tell  
17 what those numbers are going to be.

18 The market is obviously very tight in  
19 vendors that want to participate in this particular  
20 insurance so we are going to do our best to get as  
21 broad a participation as possible. The president  
22 has asked that we have that on the agenda in  
23 August. We will certainly try to make that happen.  
24 Look for that at the next meeting.

1           The president did mention that our next  
2 meeting, August 18th, will be in-person. That is  
3 great, we look forward to having everyone back into  
4 the office.

5           I will be following up with each of you.  
6 We want to make sure that we have the right  
7 communication lines with all of you so that we can  
8 kind of quickly analyze if a meeting time is not  
9 going to be appropriate and a quorum potentially  
10 could not be met. But right now we want to make  
11 sure everyone has August 18th in-person 8:30  
12 beginning time on their calendar and we can adjust  
13 if that date seems to create enough conflicts to  
14 warrant a lack of a quorum.

15           Finally, I do have, at the president's  
16 request, a training and education schedule that we  
17 put together. We'd like the Board to approve these  
18 items.

19           Marc, could you put that training  
20 schedule up, if you wouldn't mind?

21           So this just represents what I could  
22 determine, and having spoke with the other boards,  
23 the training that might be out there. I know some  
24 of you still need to get some time in. These are

1 the items that we can see that we think at this  
2 point in time will continue to be in-person and  
3 available for trustees to attend.

4 What I would ask, based on the request,  
5 that we approve this as approved training.

6 CHAIRMAN FORTUNA: I'd like to say a  
7 couple of things. Being that I am involved in a  
8 couple of these organizations, I would just say  
9 this.

10 Most of these are tentative right now,  
11 depending on this Delta variance. Speaking with  
12 Director Hank Kim from NCPERS, it looks like, yes,  
13 we are going to move forward on the New York  
14 Pension Funding Forum, but because attendance is so  
15 low right now this might not happen. So everything  
16 that you see here is liquid and it could change at  
17 any time.

18 Also, I wanted you to add Koried on  
19 there.

20 MR. WELLER: It is. It is on the bottom.

21 CHAIRMAN FORTUNA: Okay. Because that is  
22 going to be announced. That is supposed to be  
23 coming up but I don't really think that is going to  
24 happen either.

1           That is all I have got. I just wanted to  
2 update everyone on these problems that some of  
3 these organizations are having with attendance.

4           With that, go ahead.

5           MR. WELLER: That concludes my report,  
6 unless there are any other questions, and then we  
7 just need a vote on the training.

8           CHAIRMAN FORTUNA: No questions.

9           MEMBER MCPHILLIPS: I have a quick  
10 question. This is just presented and we can attend  
11 these, if we vote to approve this, but we could  
12 attend other opportunities if they present  
13 themselves?

14           CHAIRMAN FORTUNA: Yes, absolutely.  
15 Normally, if you recall, at the beginning of every  
16 year, in January, we put the list out but because  
17 of Covid we didn't do it last year and it is really  
18 not the regular list that we put out.

19           MEMBER MCPHILLIPS: Understood.

20           CHAIRMAN FORTUNA: Some of these might  
21 not even happen. Yes, whatever you think that you  
22 need to attend, certainly, all you have to do is  
23 put it in.

24           MS. BURNS: You have to come back and get

1 board approval with that caveat.

2 CHAIRMAN FORTUNA: Okay. Short answer,  
3 yes.

4 MEMBER MURPHY: Mr. President, I'd like  
5 to make a motion pursuant to Section 1-150 of the  
6 Pension Code to approve the list of educational  
7 conferences for the trustees for the remainder of  
8 2021 as presented and all related travel expenses  
9 for trustees consistent with the Fund's Travel and  
10 Reimbursement Policies.

11 MEMBER MCPHILLIPS: Second.

12 CHAIRMAN FORTUNA: There is a motion by  
13 Trustee Murphy. Seconded by Trustee McPhillips.  
14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Sheridan.

17 MEMBER SHERIDAN: 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: Mr. President, I'd like  
6 to move to Item 10, consideration and approval of  
7 2021 Funding Resolution for payment year 2023.

8 Kelly, would you like to present this  
9 issue please?

10 MR. WELLER: Marc, can you pull up the  
11 Funding Resolution, please?

12 So this will be the Funding Resolution  
13 that will drive our letter for the tax levy. Sarah  
14 and I and Jackie have worked through the items so  
15 what we would ask is the trustees to kind of look  
16 this over and see if there are any questions they  
17 might have and then to approve accordingly.

18 If you look in the Executive Director's  
19 Report, I have included the substantiation for  
20 these numbers so there is a trail or an audit trail  
21 that each of you can source to determine where the  
22 numbers are, but I am open for questions.

23 CHAIRMAN FORTUNA: Any questions?

24 MEMBER MCPHILLIPS: No questions.



1 CHAIRMAN FORTUNA: Okay.

2 MEMBER MURPHY: I'd like to make a motion  
3 to approve the 2021 Funding Resolution as presented  
4 and direct Fund staff to transmit same to the City  
5 of Chicago, consistent with Section 6-165(c) of the  
6 Pension Code.

7 MEMBER SONI: Second.

8 CHAIRMAN FORTUNA: There is a motion by  
9 Trustee Murphy. Seconded by Trustee Soni.

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 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 TEBBENS: I just have a quick  
2 question. Has this resolution been made similarly  
3 in previous years?

4                   MS. BURNS: Yes, sir.

5                   MEMBER TEBBENS: Consistent with the  
6 required sections of the statutes; widows, line of  
7 duty death widows and that nature that I was  
8 reading?

9                   MS. BURNS: Yes, sir. The only  
10 difference is as you know there is an amendment to  
11 the statute requiring actuarial funding and so the  
12 numbers are different, calculations are different,  
13 but the form of request is the same.

14                  MEMBER TEBBENS: Thank you.

15                  MS. BURNS: You're welcome.

16                  MEMBER MURPHY: Mr. President, moving on  
17 to Item 11, Election Matters. There are several  
18 election matters to act on.

19                  Kelly or Lori, would you please walk us  
20 through the election matters listed on the agenda  
21 so we can vote on each item?

22                  MR. WELLER: Lori, I am happy to do this.

23                  The first order of business is the  
24 election rules. Everybody has had a chance to

1 review the election rules so I don't know that  
2 there is a lot of specific items that I want to  
3 address on it, other than just to say they have  
4 been amended to recognize the fall election. And,  
5 if there is any questions on those, Lori and I can  
6 address them as needed.

7 CHAIRMAN FORTUNA: Any questions?

8 MEMBER CONYEARS-ERVIN: What are the  
9 modes of election?

10 MR. WELLER: I don't know that I know the  
11 answer to that question.

12 MS. BURNS: Madam Treasurer, this fund  
13 only uses mail in ballots for the election.  
14 Everything is done by mail ballots only and that is  
15 the way this board has functioned I think for as  
16 long as I have been associated with the Fund.

17 MEMBER CONYEARS-ERVIN: You said mail  
18 only?

19 MS. BURNS: By mail ballot only. No  
20 in-person voting. No phone voting. All mail  
21 ballots mailed out, returned to a post office box  
22 and physically counted.

23 MEMBER CONYEARS-ERVIN: Okay, thank you.

24 MEMBER MCPHILLIPS: Kelly, if I could,

1 did I understand you correctly you said the  
2 Election Rules were amended... and if so, for what  
3 purpose and what was the amendment?

4 MR. WELLER: The dates. The date changed  
5 from the prior policy.

6 MEMBER MCPHILLIPS: Just the dates, okay.

7 MR. WELLER: Correct.

8 MEMBER MURPHY: I'd like to make a motion  
9 for approval of the 2021 election rules and  
10 procedures as presented.

11 MEMBER SHERIDAN: Second.

12 CHAIRMAN FORTUNA: There is a motion by  
13 Trustee Murphy. Seconded by Trustee Sheridan.

14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Sheridan.

17 MEMBER SHERIDAN: 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:

6 MS. BURNS: The next item is the Election  
7 Committee. You may want to deal with that.

8 CHAIRMAN FORTUNA: Okay. We just made an  
9 amendment to the Election Committee slate we sent  
10 around and what we did was move Valencia to Chair,  
11 Murphy Co-Chair, Soni will be the other member, so  
12 it is a three member committee.

13 MEMBER MURPHY: I'd like to make a motion  
14 for approval of the Chair's appointments to the  
15 Election Committee for 2021 as presented.

16 MEMBER CONYEARS-ERVIN: Second.

17 CHAIRMAN FORTUNA: Motion by Trustee  
18 Murphy. Seconded by Trustee Conyears-Ervin.  
19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Sheridan.

22 MEMBER SHERIDAN: 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: Mr. President, I'd like

11 to make a motion to approve the Executive

12 Director's recommendation to retain Bansley Kiener

13 and the mailing entity, on the terms presented, and

14 subject to successful contract negotiation.

15 MEMBER TEBBENS: Second.

16 CHAIRMAN FORTUNA: There is a motion by

17 Trustee Murphy. Seconded by Trustee Tebbens.

18 Any discussion on this one?

19 Hearing none.

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: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Mr. President, moving on  
12 to Item 12, Approval of Committee Assignments for  
13 August 2021 through December 2021. I make a motion  
14 to approve the list of revised committee  
15 assignments prepared and distributed which will  
16 remain in place August 2021 through December  
17 2021.

18 MEMBER TEBBENS: Second.

19 CHAIRMAN FORTUNA: Motion by Trustee  
20 Murphy. Seconded by Trustee Tebbens.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

1                   CHAIRMAN FORTUNA: Trustee

2                   Conyears-Ervin.

3                   MEMBER CONYEARS-ERVIN: Yes.

4                   CHAIRMAN FORTUNA: Trustee Soni.

5                   MEMBER SONI: Yes.

6                   CHAIRMAN FORTUNA: Trustee McPhillips.

7                   MEMBER MCPHILLIPS: Yes.

8                   CHAIRMAN FORTUNA: Trustee Tebbens.

9                   MEMBER TEBBENS: Yes.

10                  CHAIRMAN FORTUNA: And I am a yes.

11                  Motion carries.

12                  MEMBER MURPHY: Mr. President, moving to  
13                  Item 13, Legal Update. Counsel, is there any legal  
14                  update?

15                  MS. BURNS: I think all the matters have  
16                  been addressed by the Executive Director. If the  
17                  Executive Director wants to go back to the Budget,  
18                  it's up to you, you missed that item.

19                  MR. WELLER: Jackie, are you on the line?

20                  MS. VLAHOS: Yes, I am.

21                  MR. WELLER: Marc, do you want to pull up  
22                  the six month Budget? It would be for  
23                  informational purposes only.

24                  Jackie, I am going to go ahead and turn



1 this over to you.

2 MS. VLAHOS: I am just going to point out  
3 a few things. I am not going to spend a lot of  
4 time on this.

5 This is the budget year-to-date as of  
6 June. As you can see in the bottom column, that we  
7 are at approximately at 44.3 percent for budget.  
8 Spending about \$1.6 million of the \$3.6 million  
9 that we have budgeted for our administrative  
10 expenses.

11 A couple of things that I want to note is  
12 that we are in the process of buying a few more  
13 things for the offices that we were supposed to  
14 complete but then just due to Covid. So even  
15 though under Office Supplies, which is account  
16 52404, it is saying that we are spending 2.6  
17 thousand dollars so far, we are in the process of  
18 spending an additional \$4,500 to get the offices  
19 up-to-date and to match the other offices. Which  
20 would bring us to in that category about 57 percent  
21 of our budget.

22 A couple of the other items I want to  
23 point out is for employee hospitalization, legal, a  
24 couple of these that look like they are at 60

1 percent, that is just due to timing of accounts  
2 payable so they probably are actually more like 50  
3 percent. I believe there are expenses in there  
4 that are attributable to the 2020 year.

5 We look pretty good to be at the end of  
6 June to be at 44 percent. I think we are doing  
7 well. We are right on target.

8 Are there any other questions?

9 MEMBER MCPHILLIPS: Jackie, where did  
10 this report come from can I ask?

11 MS. VLAHOS: What do you mean? From our  
12 office.

13 MEMBER MCPHILLIPS: No, what system?

14 MS. VLAHOS: Just Excel.

15 MEMBER MCPHILLIPS: This isn't from the  
16 new accounting system?

17 MS. VLAHOS: What we do is we have  
18 downloaded into Excel and then we kind of  
19 manipulated it a little bit to have the appropriate  
20 columns that we want. Downloaded the information  
21 from our accounting software into Excel.

22 MEMBER MCPHILLIPS: All right. Thank  
23 you.

24 MS. VLAHOS: No problem.

1                   MR. WELLER: Mr. President, a quick thank  
2 you to Jackie and John for their team for getting  
3 this audit done and getting this stuff laid out and  
4 keeping us on budget.

5                   MS. BURNS: Secretary Murphy, that is the  
6 only thing we wanted to talk about in legal.

7                   MEMBER MURPHY: Thank you, Jackie and  
8 Kelly.

9                   Mr. President, we're on Number 14. New  
10 Business/Old Business. Is there any new business  
11 or old business?

12                   MEMBER CONYEARS-ERVIN: Kelly, did you  
13 say that it's been 21 days?

14                   MR. WELLER: Yes, 21 days. I am still  
15 smiling. It's been so much fun. But, wow, a lot  
16 of moving parts. So I am excited but a lot of  
17 moving parts.

18                   MEMBER CONYEARS-ERVIN: Welcome. In  
19 listening to your report, I was like how many days?  
20 It just seemed like you just jumped right in.  
21 Looking forward to this.

22                   This is a great first meeting and  
23 welcome. We are excited to have you. You have a  
24 great team.

1           And then I will also say, Mr. President,  
2           the reason I asked about the mode of elections is  
3           because we've been talking about the convenience of  
4           elections. But when Mary Pat said they are mailed  
5           to people and they mail them back in, I don't know  
6           if we can get any more convenient than that. So  
7           that was my purpose asking that question.

8           Thank you, very much. Enjoy the rest of  
9           the week, everyone.

10          Kelly, I also wanted to tell you August  
11          18th is a conflict for me. I have already shared  
12          that with others. I don't know if you have gotten  
13          it, though.

14          MR. WELLER: Thank you, Madam Treasurer.

15          MEMBER SONI: I do want to echo the  
16          Treasurer's comments, that I also feel like you  
17          just jumped right in and it was seamless. Thank  
18          you so much. We look forward to working with you  
19          and look forward to hearing from you as well. If  
20          there is anything that we can do to make it easier  
21          for you, please let us know but welcome.

22          MR. WELLER: Thank you. It's going to be  
23          hard for me to wipe the smile off my face.

24          MEMBER TEBBENS: I'd like to echo the

1 sentiments as well.

2 I would like to note I will be on  
3 furlough on the 18th. It is unclear right now  
4 whether I am going to be able to be in attendance  
5 or not. It's possible but I am on furlough and I  
6 might have plans that conflict.

7 MEMBER CONYEARS-ERVIN: You all know it  
8 is the last week of summer vacation, the last week  
9 before school starts. As a working mother, we are  
10 going to work on this being more conducive to  
11 working mothers. Thank you.

12 MEMBER TEBBENS: As a working father as  
13 well.

14 MEMBER MURPHY: I'd like to make a motion  
15 to adjourn today's meeting.

16 MEMBER SONI: Second.

17 CHAIRMAN FORTUNA: Motion to adjourn by  
18 Trustee Murphy. Seconded by Trustee Soni.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Sheridan.

22 MEMBER SHERIDAN: Yes.

23 CHAIRMAN FORTUNA: Trustee

24 Conyears-Ervin.

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MEMBER CONYEARS-ERVIN: Yes.

CHAIRMAN FORTUNA: Trustee Soni.

MEMBER SONI: Yes.

CHAIRMAN FORTUNA: Trustee McPhillips.

MEMBER MCPHILLIPS: Yes.

CHAIRMAN FORTUNA: Trustee Tebbens.

MEMBER TEBBENS: Yes.

CHAIRMAN FORTUNA: And I am a yes.

We are adjourned. Thank you, very much.

(WHICH WERE ALL THE PROCEEDINGS  
IN THE ABOVE-ENTITLED MEETING  
AT THIS DATE AND TIME.)



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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO  
  
IN THE MATTER OF )  
MEETING NO. 1089 )

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 August 18, 2021, commencing at the  
hour of 8:30 a.m.



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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

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

MARK MYSLINSKI, City Treasurer's Office

DANIEL G. SAMO, M.D., Board Physician

MICHAEL I. PETERS, M.D., Board Physician

1 CHAIRMAN FORTUNA: Call the roll, please  
2 MEMBER MURPHY: Trustee Sheridan.  
3 MEMBER SHERIDAN: Here.  
4 MEMBER MURPHY: Trustee Conyears-Ervin.  
5 Trustee Soni.  
6 MEMBER SONI: Here.  
7 MEMBER MURPHY: Trustee McPhillips.  
8 MEMBER MCPHILLIPS: Here.  
9 MEMBER MURPHY: Trustee Tebbens.  
10 President Fortuna.  
11 CHAIRMAN FORTUNA: Here.  
12 MEMBER MURPHY: And I am here.  
13 Mr. President, we have a quorum.  
14 CHAIRMAN FORTUNA: Thank you.  
15 Public Act 101-0640 allows this meeting  
16 to be conducted by audio and videoconference. The  
17 Act requires a roll call vote on each matter.  
18 Further, consistent with Public Act  
19 101-0640, for the record, I am physically present  
20 at the Fund's office as is the Fund's Secretary and  
21 Executive Director.  
22 We have posted notice of this meeting in  
23 accordance with the Open Meetings Act and the  
24 meeting is being recorded. A transcript of the

1 proceedings will be prepared and after approval  
2 will be made available on the Fund's website.

3 Also, consistent with Public Act 91-0715  
4 and reasonable constraints determined by the Board  
5 of Trustees, at each regular meeting of the Board  
6 and its committees that is open to the public  
7 members of the public may require a brief time to  
8 address the Board on matters within its  
9 jurisdiction.

10 Are there any requests for public comment  
11 this morning?

12 Hearing none, we are going to move on.

13 Before we get into the nuts and bolts of  
14 our meeting, I certainly would like to take a  
15 moment of silence to recognize the line of duty  
16 death of Chicago Police Officer Ella French.

17 (Brief pause.)

18 CHAIRMAN FORTUNA: Thank you all. Our  
19 deepest condolences to Officer French's family and  
20 certainly to all of her colleagues. Thank you.

21 Secretary Murphy.

22 MEMBER MURPHY: Thank you, Mr. President.  
23 First, we'd like to turn to the approval items.

24 First, I'd like to move for the approval

1 of the Minutes for the regular audio meeting of  
2 July 21, 2021 open and closed and regular audio  
3 meeting transcript OF July 21, 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 July 21, 2021 and keep the  
7 closed session minutes closed on recommendation of  
8 counsel.

9 MEMBER SHERIDAN: Second.

10 CHAIRMAN FORTUNA: There is a motion by  
11 Trustee Murphy. Seconded by Trustee Sheridan.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.

19 MEMBER MCPHILLIPS: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 MEMBER MURPHY: Mr. President, moving to  
23 the Minimum Formula Annuities. I'd like to make a  
24 motion to approve the Minimum Formula Annuities

1 starting with Member 12311 and ending with Member  
2 14520.

3 MEMBER MCPHILLIPS: Second.

4 CHAIRMAN FORTUNA: There is a motion by  
5 Trustee Murphy. Seconded by Trustee McPhillips.  
6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Sheridan.

9 MEMBER SHERIDAN: Yes.

10 CHAIRMAN FORTUNA: Trustee Soni.

11 MEMBER SONI: Yes.

12 CHAIRMAN FORTUNA: Trustee McPhillips.

13 MEMBER MCPHILLIPS: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Moving on to C, I make a  
17 motion to approve the Widow's and Children's  
18 Annuities starting with Member 06363 through Member  
19 10608.

20 MEMBER MCPHILLIPS: Second.

21 CHAIRMAN FORTUNA: There is a motion by  
22 Trustee Murphy. Seconded by Trustee McPhillips.  
23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1           CHAIRMAN FORTUNA:  Trustee Sheridan.  
2           MEMBER SHERIDAN:  Yes.  
3           CHAIRMAN FORTUNA:  Trustee Soni.  
4           MEMBER SONI:  Yes.  
5           CHAIRMAN FORTUNA:  Trustee McPhillips.  
6           MEMBER MCPHILLIPS:  Yes.  
7           CHAIRMAN FORTUNA:  And I am a yes.  
8           Motion carries.  
9           MEMBER MURPHY:  Moving on to D, Refunds.  
10          There are none this month.  
11          Moving on to E, Death Benefits.  I move  
12          to approve the Death Benefits for Member 06363  
13          through Member 10608.  
14          MEMBER SONI:  Second.  
15          CHAIRMAN FORTUNA:  Motion by Trustee  
16          Murphy.  Seconded by Trustee Soni.  
17          Trustee Murphy.  
18          MEMBER MURPHY:  Yes.  
19          CHAIRMAN FORTUNA:  Trustee Sheridan.  
20          MEMBER SHERIDAN:  Yes.  
21          CHAIRMAN FORTUNA:  Trustee Soni.  
22          MEMBER SONI:  Yes.  
23          CHAIRMAN FORTUNA:  Trustee McPhillips.  
24          MEMBER MCPHILLIPS:  Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Moving on to Item F,  
4 Partial Payments. I make a motion to approve  
5 Partial Payments beginning with Member 07172  
6 continuing through to Member 10608.

7 MEMBER SHERIDAN: Second.

8 CHAIRMAN FORTUNA: Motion by Trustee  
9 Murphy. Seconded by Trustee Sheridan.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Sheridan.

13 MEMBER SHERIDAN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Mr. President, Item G,  
21 Benefit Recalculations. There are no Benefit  
22 Recalculations this month.

23 Moving on to Item H, Request for  
24 Permission. Residing out of state. There are two

1 requests for residing out of state for Member 16364  
2 and Member 14160. I'd like to make a motion to  
3 approve.

4 MEMBER MCPHILLIPS: Second.

5 CHAIRMAN FORTUNA: There is a motion to  
6 approve by Trustee Murphy. Seconded by Trustee  
7 McPhillips.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Moving to Item I,  
19 Removals. I move to approve the Removals starting  
20 with Lorraine Hennelly and ending with Samantha  
21 Fritz.

22 MEMBER SHERIDAN: Second.

23 CHAIRMAN FORTUNA: There is a motion by  
24 Trustee Murphy. Seconded by Trustee Sheridan.



1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Moving on for Requests  
12 for Approval of Payments Pursuant to Administrative  
13 and Court Orders. I'd like to make a motion that  
14 the court orders listed in the docket for Member  
15 0110358 and Member 016678 be approved based on the  
16 the staff's representation that the required  
17 paperwork is in order.

18 MEMBER SONI: Second.

19 CHAIRMAN FORTUNA: Motion to approve by  
20 Trustee Murphy. Seconded by Trustee Soni.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Mr. President, moving on  
8 to disability applications, we have counsel ready  
9 to present.

10 MR. PINELLI: We are ready to proceed  
11 with the first hearing. That would be EMT Engineer  
12 Michael Cameron.

13 Mr. Cameron, are you on the line?

14 MR. CAMERON: I am.

15 MR. PINELLI: Very good. So let the  
16 record reflect this is an application for a Duty  
17 Disability benefit being made by EMT Engineer  
18 Michael Cameron.

19 Good morning, Mr. Cameron. I am one of  
20 the attorneys for the Fund. I'd like to advise you  
21 of some preliminary matters before we start  
22 evidence.

23 First of all, there are five trustees  
24 currently present to hear the evidence on your

1 application. If you don't know you should know the  
2 Pension Code requires you get the yes vote of all  
3 five of those Trustees in order to receive this  
4 benefit. Do you understand that?

5 MR. CAMERON: Yes, I do.

6 MR. PINELLI: I see that you do not have  
7 an attorney representing you today. Is it your  
8 desire to proceed without an attorney?

9 MR. CAMERON: Yes, it is.

10 MR. PINELLI: Finally, it is the  
11 applicant's burden of proof to present sufficient  
12 evidence to the Board in order for the Board to  
13 grant the benefit that the applicant is seeking.  
14 Do you understand it is your burden of proof?

15 MR. CAMERON: Yes.

16 MR. PINELLI: Thank you. By way of  
17 procedures, I am going to start by asking you some  
18 questions under oath. The board members may or may  
19 not have questions of you. Then I will call the  
20 Fund's physician consultant to testify. If there  
21 is anything I don't ask him that you think is  
22 important for the Board to know, please let me know  
23 and you will be given that opportunity. Do you  
24 understand the procedures?

1 MR. CAMERON: Yes, I do.

2 MR. PINELLI: Then we are ready to  
3 proceed. Is Dr. Samo on the line?

4 DOCTOR SAMO: Yes, I am.

5 MR. PINELLI: Thank you. Dr. Samo and  
6 Mr. Cameron, both please raise your right hands.

7 (Witnesses sworn.)

8 MICHAEL T. CAMERON

9 a witness herein, having been first duly sworn, was  
10 examined and testified as follows:

11 EXAMINATION

12 BY MR. PINELLI:

13 Q We are ready to proceed. Engineer  
14 Cameron, could you please state your name for the  
15 record?

16 A My name is Michael T. Cameron.

17 Q What is your current rank with the Fire  
18 Department?

19 A Engineer EMT.

20 Q What was your last assignment before you  
21 went on layup?

22 A 3rd District Relief.

23 Q Did you receive a group of exhibits from  
24 the Fund staff marked as Board Exhibits 1 through

1 12 before today's hearing?

2 A Yes, I have.

3 Q Did you have a chance to review them?

4 A I have.

5 Q Do you have any objection to their  
6 admission into the record in support of your  
7 application?

8 A I do not.

9 MR. PINELLI: Thank you.

10 Mr. President, I move for admission of  
11 Board's Exhibits 1 through 12 without objection  
12 from the applicant.

13 CHAIRMAN FORTUNA: Exhibits are admitted  
14 without objection.

15 MR. PINELLI: Thank you.

16 (Board Exhibits 1 through 12  
17 were admitted into evidence.)

18 BY MR. PINELLI:

19 Q Now, sir, directing your attention to the  
20 date of July 12th of 2020, did you sustain an  
21 injury or injuries that is the basis of your  
22 application on this date?

23 A Yes, I did.

24 Q Could you just briefly describe for the

1 members of the Board exactly where you were and  
2 what happened to you to cause you an injury that  
3 day?

4 A Yeah. We were on a medical assist call  
5 and when I went to assist with the stretcher the  
6 muscle in my back knotted up real bad. Initially I  
7 thought it was a muscle cramp but it wouldn't go  
8 away and then they took me to the emergency room at  
9 Northwestern.

10 Q Had you ever had any injuries to your  
11 lower back prior to this date?

12 A No.

13 Q When you say you were assisting with a  
14 patient, can you just specifically describe what  
15 you were doing when you experienced the pain in  
16 your back?

17 A I was actually reaching to help with  
18 removal of the stretcher from the ambulance and  
19 that is when it happened. And it was almost like  
20 it took my breath away so I had to like excuse  
21 myself. There were other people around to assist  
22 so I had to just try to stretch my muscles back out  
23 of that knot but it just wouldn't go away.

24 Q Following that incident, did you then

1 undergo some medical treatment for your lower back?

2 A Yeah. I received two sessions or 27 I  
3 should say sessions, two separate occasions of  
4 physical therapy, and then I had three injections  
5 into the spine.

6 Q Did that therapy alleviate your back  
7 problem?

8 A Very temporary. I would say less than  
9 two weeks. It was temporary but it was never  
10 completely gone. It just felt better and then when  
11 it wore off then it came right back.

12 Q What doctor is treating you for your back  
13 problem?

14 A Doctor Lim.

15 Q Did Doctor Lim give you a diagnosis of  
16 what was going on in your lower back?

17 A He did.

18 Q What did he tell you was going on with  
19 your lower back?

20 A Well, he said that I had a disc  
21 herniation and three bulging discs and that is when  
22 he gave me physical therapy to help alleviate some  
23 of the pain.

24 Q Okay. Can you describe for the board

1 members currently as you sit here today what if any  
2 pain or limitations you are experiencing?

3 A On day-to-day pain, it is like three to  
4 four. But very randomly, I will make a certain  
5 movement or certain -- if I go to lift anything  
6 usually greater than 30 pounds or something, it  
7 just -- it is like -- almost like somebody stabbed  
8 me in the back. It is like a seven or eight pain.

9 I never had back pain before so it was  
10 kind of new to me.

11 A lot of times I can't sleep through the  
12 night without taking sleep aids. It is very  
13 debilitating as far as getting my normal life back  
14 on track.

15 Q Are you experiencing any radiculopathy,  
16 that is pain down your lower leg?

17 A If I do any kind of walking more than  
18 like a half mile or if I stand too long, it will go  
19 down my buttocks to the knee and then I either have  
20 to sit or stretch or do something to alleviate the  
21 pain to continue to my walk.

22 Occasionally, if I am going downstairs,  
23 it might buckle but that has only happened a  
24 handful of times.



1           Q     Has Doctor Lim recommended any  
2     treatments, other than the conservative treatments  
3     he's recommended to-date?

4           A     Yes. Well, he did say that surgery  
5     wasn't a matter of if, it was a matter of when. He  
6     said that being my age that he would -- if he were  
7     me, he would prolong the surgery as long as  
8     possible but it's going to happen that I am going  
9     to need a rod put in or rods.

10          Q     Since you went on layup have you engaged  
11     in activity by which you earn income?

12          A     No.

13          Q     Have you engaged in my sporting  
14     activities?

15          A     No.

16          Q     Are you currently taking any prescribed  
17     medication for pain in your lower back?

18          A     Nothing prescribed.

19          Q     Do you have any appointments scheduled  
20     with Doctor Lim currently?

21          A     Currently, no, because I didn't know with  
22     this being a duty injury how that would proceed.  
23     That was something I wanted to talk to the people  
24     at the pension about like how do I proceed with my

1 next form of treatments.

2 MR. PINELLI: Thank you. That is all the  
3 questions I have of the applicant.

4 CHAIRMAN FORTUNA: Trustees, any  
5 questions?

6 MEMBER MCPHILLIPS: No.

7 CHAIRMAN FORTUNA: Thank you.

8 MR. PINELLI: Hearing none, I would then  
9 call Dr. Samo to testify.

10 (Witness previously sworn.)

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, 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, examine or interview applicants and report  
4 to the Board?

5           A     Yes.

6           Q     Did you prepare a written report with  
7 respect to your interview of the applicant?

8           A     Yes.

9           Q     And why did you interview him versus  
10 examine him?

11          A     Due to the Covid restrictions, we have  
12 been doing these by telephone.

13          Q     Upon your interview of him, was the  
14 information he provided to you consistent with what  
15 you saw in the medical records you reviewed?

16          A     Yes.

17          Q     And did you prepare a written report that  
18 is marked as Board Exhibit Number 2?

19          A     Yes.

20          Q     Doctor, could you briefly summarize for  
21 us what your findings were with respect to Mr.  
22 Cameron?

23          A     Basically, the history was consistent  
24 with what he just told us. I was not able to do a

1 physical exam. But based on the history, I would  
2 agree with Dr. Lim's opinion that he has neurogenic  
3 claudication due to spinal stenosis.

4 That means that the present degenerative  
5 changes, the spinal canal and the spaces where the  
6 nerve roots come out is narrowed and so starts  
7 pushing pressure on the nerves. That is why he  
8 gets pain into his leg with prolonged walking or  
9 standing. That is very typical with claudication.

10 Q Doctor, you heard him mention about discs  
11 and the issues with the discs. There were various  
12 MRIs done on him; is that correct?

13 A Yeah. His first MRI did show protrusion  
14 or a herniation of a disc. Second one it was still  
15 there but it was less prominent.

16 Q Doctor, is the description that he gave  
17 of what occurred to him on the date of duty is that  
18 consistent with a mechanism that could have caused  
19 his back condition to cause him the pain and  
20 discomfort?

21 A Well, I mean, yes. Obviously, his  
22 symptoms began at that time. He has an underlying  
23 degenerative problem, that is the basic cause of  
24 it. That was just, you know, the straw that broke

1 the camel's back or caused him to become  
2 symptomatic.

3 MR. PINELLI: Thank you. That is all the  
4 questions I have of the doctor.

5 CHAIRMAN FORTUNA: Trustees, any  
6 questions for Dr. Samo?

7 MEMBER MCPHILLIPS: No questions.

8 CHAIRMAN FORTUNA: Hearing none.

9 MEMBER MURPHY: I'd like to make a motion  
10 to grant the benefits requested by Fire Engineer  
11 Cameron.

12 MEMBER MCPHILLIPS: Second.

13 CHAIRMAN FORTUNA: There is a motion to  
14 grant by Trustee Murphy. There is a second by  
15 Trustee McPhillips.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee McPhillips.

23 MEMBER MCPHILLIPS: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Mr. President, I would  
3 like to make a motion for reexam consistent with  
4 the Board's policy.

5 MEMBER SONI: Second.

6 CHAIRMAN FORTUNA: Motion for reexam by  
7 Trustee Murphy. Seconded by Trustee Soni.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Counsel previously sent  
19 around proposed Findings of Fact and Conclusions of  
20 Law in this matter. Having had a chance to review  
21 those, I would like to make a motion to adopt the  
22 Findings of Fact and Conclusions of Law in this  
23 matter.

24 MEMBER MCPHILLIPS: Second.



1 is a hearing on an application for Duty Disability  
2 benefits being made by Edward Gilbride.

3 Good morning, Mr. Gilbride. I am one of  
4 the attorneys for the Fund. I will be conducting  
5 this hearing for the record.

6 I would like to advise you of some  
7 preliminary matters before we start the evidence.

8 First of all, there are five trustees  
9 currently present to hear the evidence on your  
10 application.

11 Under the Pension Code, you need the yes  
12 vote of five trustees in order to receive this  
13 benefit. Do you understand that?

14 MR. GILBRIDE: Yes.

15 MR. PINELLI: I see you did not have an  
16 attorney file an appearance on your behalf. Is it  
17 your desire to proceed without an attorney?

18 MR. GILBRIDE: Yes.

19 MR. PINELLI: Lastly, it is the  
20 applicant's burden of proof to present sufficient  
21 evidence to the Board in order for the Board to  
22 grant the benefit that the applicant is seeking.  
23 Do you understanding it is your burden of proof?

24 MR. GILBRIDE: Yes.



1           MR. PINELLI: By way of procedures, I am  
2 going to start by asking you some questions under  
3 oath. The board members may or may not have  
4 questions of you. Then I will call Dr. Samo to  
5 testify. If there is anything I don't ask him that  
6 you think is important for the Board to know,  
7 please let me know and you will be given that  
8 opportunity. Do you understand the procedures?

9           MR. GILBRIDE: Yes, I do.

10          MR. PINELLI: Then would you please raise  
11 your right hand? Dr. Samo, would you also raise  
12 your right hand?

13                                   (Witnesses sworn.)

14                                   EDWARD M. GILBRIDE  
15 a witness herein, having been first duly sworn, was  
16 examined and testified as follows:

17                                   EXAMINATION

18                                   BY MR. PINELLI:

19           Q     Mr. Gilbride, please state your name for  
20 the record.

21           A     Edward Michael Gilbride.

22           Q     What is your rank with the Fire  
23 Department?

24           A     I am a Paramedic FPM.

1           Q     What was your last assignment before you  
2 went on layup?

3           A     Ambulance 27.

4           Q     Sir, were you provided a copy of Board  
5 Exhibits 1 through 12 before today's hearing?

6           A     Yes.

7           Q     Did you have the opportunity to review  
8 them?

9           A     I did.

10          Q     Do you have any objection to their  
11 admission into the record in support of your  
12 application?

13          A     No.

14                   MR. PINELLI: Thank you.

15                   Mr. President, I move for admission of  
16 Board Exhibits 1 through 12 without objection from  
17 the applicant.

18                   CHAIRMAN FORTUNA: Admitted without  
19 objection.

20                   MR. PINELLI: Thank you.

21                   (Board Exhibits 1 through 12  
22 were admitted into evidence.)

23 BY MR. PINELLI:

24           Q     Mr. Gilbride, directing your attention to

1 July 3rd of 2020, did you sustain an injury or  
2 injuries that is the basis of your application?

3 A I did.

4 Q Could you just briefly describe for the  
5 members of the Board where you were and what  
6 happened to you that caused you an injury that day?

7 A Okay. July 3rd, we were going to an  
8 ambulance run. Somebody was a psych patient was  
9 going in. We were taking her to Little Company of  
10 Mary for an evaluation. She was very combative,  
11 swinging, kicking, biting us.

12 I contacted Little Company. I told them  
13 what we have coming in. Can you have security at  
14 the door waiting for us, which they did.

15 We were pulling her out of the ambulance.  
16 She was trying to fight us. Kick. Jump off the  
17 cot. We had security on her. I was holding the  
18 left foot, security on the right foot and my  
19 partner and I think another security was holding  
20 her body down, her upper body down.

21 We were rolling her into the hospital. A  
22 nurse points, bring her over here, bring her over  
23 here.

24 I turned around. She gets her foot loose

1 and kicks me right in the shoulder. The doctor  
2 seen it. Nurse seen it. I just said let's get her  
3 on the cot. It was like very -- like a knife pain.

4 We got here on the cot. Doctor said do  
5 you want me to check your shoulder out? I agreed  
6 because I had pain.

7 They registered me. I contacted my  
8 chief. He interviewed everybody that was over  
9 there and that was it. They took me to Medical,  
10 MRI, surgeries, and so on.

11 Q Which shoulder was that?

12 A Right. It was the right shoulder.

13 Q Prior to the date of this incident, had  
14 you ever had any injuries or problems with your  
15 right shoulder?

16 A I didn't have no problems with it but  
17 about 20 something years back I did shatter or  
18 damage the distal under the clavicle and they  
19 scoped it and cleaned out the bone fragments.  
20 Never had an issue after that.

21 Q Until this incident, right?

22 A Right, right.

23 Q Then you mentioned you underwent some  
24 conservative treatment at first to see if it could

1 repair the injury and it couldn't so then you  
2 ultimately had your first surgery on September 16th  
3 of 2020?

4 A Yes.

5 Q Is that correct?

6 A Yes. When they seen the MRI, they knew  
7 therapy was over. Wasn't going to help it. They  
8 needed surgical intervention to repair it.

9 Q Okay. After that occurred, did you  
10 undergo some physical therapy to try to get you  
11 back?

12 A I did, which the result wasn't good. It  
13 just did nothing.

14 Q As a result then, did you have a second  
15 surgery on May 18th of this year 2021?

16 A I did. And let me say after the first  
17 surgery, I was going to therapy and I was doing  
18 good and then the doctor stated that -- I was like  
19 five months into it and he stated there was nothing  
20 more they could do. This is what I am probably  
21 going to have. I told Medical that. I said I can  
22 get my arm better than this. They is why they sent  
23 me to Dr. Leonard, the second surgeon. He did an  
24 exploratory because I couldn't lift my arm. I was



1 questions I have.

2 CHAIRMAN FORTUNA: Trustees, any  
3 questions?

4 Hearing none.

5 MR. PINELLI: I will call Dr. Samo.

6 (Witness previously sworn.)

7 DANIEL SAMO, M.D.

8 a witness herein, having been first duly sworn, was  
9 examined and testified as follows:

10 EXAMINATION

11 BY MR. PINELLI:

12 Q Please, state your name.

13 A Daniel Samo.

14 Q You're a physician; is that correct?

15 A Yes.

16 Q Is a copy of your qualifications attached  
17 to the Board Exhibits?

18 A Yes.

19 Q And is a written report that you prepared  
20 for the Board attached as Board Exhibit 2?

21 A Yes.

22 Q Doctor, did you examine or interview the  
23 applicant?

24 A We did a telephone interview due to the

1 Covid restrictions.

2 Q Was the information he provided to you in  
3 that interview consistent with the medical records  
4 you reviewed regarding his treatment?

5 A Yes.

6 Q Can you just briefly summarize for us  
7 what your findings were, doctor?

8 A So the history, as he said, he had acute  
9 onset of symptoms when he was kicked. First MRI  
10 showed rotator cuff tears and so he proceeded to  
11 arthroscopy where they repaired the rotator cuff  
12 tears and did some decompression. In other words,  
13 it was narrowing in certain areas and they just  
14 cleaned that up. He was improving in PT but then  
15 had several episodes of what he said was tearing  
16 pain when he was doing things. And then he really  
17 started to get worse, which is why he had the  
18 second MRI. Which did not show any re-tears but he  
19 proceeded to have, as he said, in last May, May of  
20 21st, another arthroscopy where he just had more  
21 extensive debridement. So cleaning up and removal  
22 of excess bone. And he continues to be symptomatic  
23 at this point.

24 Q Okay. Is he even at MMI at this point?



1           A     No.

2           Q     Basically as a result of that, would he  
3 be able to perform his functions with the Fire  
4 Department?

5           A     At this point in time, no.

6           MR. PINELLI: Thank you, doctor, that is  
7 all the questions I have.

8           CHAIRMAN FORTUNA: Trustees, any  
9 questions for Dr. Samo?

10          Hearing none.

11          MEMBER MURPHY: I'd like to make a motion  
12 to grant the benefit requested by Paramedic  
13 Gilbride.

14          MEMBER SHERIDAN: Second.

15          CHAIRMAN FORTUNA: There is a motion to  
16 grant by Trustee Murphy. Seconded by Trustee  
17 Sheridan.

18          Trustee Murphy.

19          MEMBER MURPHY: Yes.

20          CHAIRMAN FORTUNA: Trustee Sheridan.

21          MEMBER SHERIDAN: Yes.

22          CHAIRMAN FORTUNA: Trustee Soni.

23          MEMBER SONI: Yes.

24          CHAIRMAN FORTUNA: Trustee McPhillips.

1 MEMBER MCPHILLIPS: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: Motion for reexam  
5 consistent with the Board's policies.

6 MEMBER SONI: Second.

7 CHAIRMAN FORTUNA: There is a motion for  
8 reexam by Trustee Murphy. Seconded by Trustee  
9 Soni.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee Sheridan.

13 MEMBER SHERIDAN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Counsel has previously  
21 sent out proposed findings of fact and conclusions  
22 of law in this matter. Having had a chance to  
23 review those, I make a motion to adopt those  
24 findings of fact and conclusions of law in this

1 matter.

2 MEMBER MCPHILLIPS: Second.

3 CHAIRMAN FORTUNA: There is a motion by

4 Trustee Murphy. Seconded by Trustee McPhillips.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Soni.

10 MEMBER SONI: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Based on the findings of

16 fact and conclusions of law made by the Trustees,

17 the Trustees have voted to grant you the benefit

18 you have requested.

19 You will be notified by mail of the

20 findings of fact and the Board's decision.

21 Thank you and good luck to you.

22 MR. GILBRIDE: Thank you very much for

23 your time and all of you have a very good day.

24 MR. PINELLI: Let the record reflect this

1 is a hearing on an application for Duty Disability  
2 Benefits being made by Samuel Lucas.

3 Good morning, Mr. Lucas. I am one of the  
4 attorneys for the Pension Fund. I will be  
5 conducting this hearing for the record.

6 I'd like to advise you of some  
7 preliminary matters before we start evidence.

8 First of all, there are five trustees  
9 currently present to hear the evidence on your  
10 application. If you don't know you should know the  
11 Pension Code requires that you get the yes vote of  
12 all five of those trustees in order to receive this  
13 benefit. Do you understand that?

14 MR. LUCAS: Yes, sir.

15 MR. PINELLI: I also see you do not have  
16 an attorney representing you. Is it your desire to  
17 proceed out without an attorney?

18 MR. LUCAS: Yes, sir.

19 MR. PINELLI: Lastly, it is the  
20 applicant's burden of proof to present sufficient  
21 evidence to the Board in order for the Board to  
22 grant the benefit that the applicant is seeking.  
23 Do you understand it is your burden of proof?

24 MR. LUCAS: Yes, sir.

1           MR. PINELLI: By way of procedures, I am  
2 going to start by asking you some questions under  
3 oath. The board members may or may not have  
4 questions of you. Then I will call the Fund's  
5 physician consultant to testify. If there is  
6 anything I don't ask him that you think is  
7 important for the Board to know, let me know that  
8 and you will be given that opportunity. Do you  
9 understand the procedures?

10           MR. LUCAS: Yes, sir.

11           MR. PINELLI: Thank you. We are ready to  
12 proceed.

13           Is Dr. Peters on the line?

14           DR. PETERS: Yes, I am.

15           MR. PINELLI: Mr. Lucas and Dr. Peters,  
16 please raise your right hands.

17                           (Witnesses sworn.)

18                           SAMUEL A. LUCAS

19 a witness herein, having been first duly sworn, was  
20 examined and testified as follows:

21                           EXAMINATION

22                           BY MR. PINELLI:

23           Q     Mr. Lucas, would you please state your  
24 you name for the record?

1           A     Full name is Samuel A. Lucas. I am a  
2 Firefighter EMT.

3           Q     What was your last assignment before you  
4 went on layup?

5           A     Engine 106.

6           Q     Did you receive a copy of what has been  
7 marked as Board Exhibits 1 through 11 in advance of  
8 this hearing?

9           A     Yes, sir.

10          Q     Did you have a chance to review those  
11 documents?

12          A     I did, sir, yes.

13          Q     Any objection to their admission into the  
14 record in support of your application?

15          A     I do not.

16                MR. PINELLI: Thank you.

17                Mr. President, I move for admission of  
18 Board's Exhibits 1 through 11 without objection  
19 from the applicant.

20                CHAIRMAN FORTUNA: Exhibits are admitted  
21 without objection.

22                MR. PINELLI: Thank you.

23                (Board Exhibits 1 through 11  
24 were admitted into evidence.)

1 BY MR. PINELLI:

2 Q Mr. Lucas, directing your attention to  
3 the date of July 11th of 2020, did you sustain an  
4 injury or illness that is the basis of your  
5 application?

6 A Yes, sir. Two injuries, sir.

7 Q Can you just briefly describe for the  
8 board members, they do have your written statement,  
9 but just please briefly describe where you were and  
10 what happened to you that day.

11 A I was on Engine 106. We were on a  
12 variance. We had a reported fire about 8:30 a.m.  
13 My assignment was hydrant duty. Upon rolling up  
14 on-scene, we saw we had a working fire.

15 I went to the first hydrant. I used  
16 extreme force on a hydrant. I could not get it  
17 opened. Felt pain immediately in my right  
18 shoulder. I continued down to a second hydrant  
19 about 140, 150 feet away and needed extreme force  
20 on that hydrant. Got the hydrant open. I went  
21 back. Pulled the four-inch hose. Connected. Got  
22 the guys water.

23 I let the officer know, of course, I was  
24 having trouble with the hydrant. Upon getting

1 water, I went back to the rig. Downed my gear. I  
2 was feeling pretty lightheaded getting the hose --  
3 and out of breath getting the hose to the second  
4 hydrant previous to getting water.

5 I went in and found my team and we needed  
6 an ansel. I went back to the rig. Very  
7 lightheaded, dizzy, and went back in. We hit the  
8 panel with an ansel and at that point it looked  
9 like everything was set. We were good to go. I  
10 asked my officer if I could go outside and sit,  
11 catch my breath, get my wits about me.

12 At that that point I went upfront. There  
13 was a female officer that did not like the way I  
14 looked and recommended I go to the ER and we did.

15 I am trying to be brief. It takes me a  
16 half hour to say hello sometimes. I don't want to  
17 take up more of your time.

18 If you need more information, I was  
19 admitted to the ER. At that time they told me my  
20 troponin levels were high. I was having a heart  
21 attack. I almost had a heart attack when they told  
22 me. I was shocked and they kept me overnight for  
23 observation.

24 Q Let me take it from there.



1           A     Sure.  Thank you, sir.

2           Q     In this incident, did you also injure  
3 your right shoulder?

4           A     Yes, sir.

5           Q     You previously had had a right shoulder  
6 injury; is that right?

7           A     That is correct.

8           Q     In 2019, you had a rotator cuff tear?

9           A     That is correct.

10          Q     Was that the result of an on-duty injury?

11          A     It was wear and tear, sir, definitely.

12          Q     Following that, you had a surgery to  
13 repair that injury?

14          A     That was in November, '19.  Rehab.  Fit  
15 for duty.  Returned back to duty in June of '20.

16          Q     Until this incident, you didn't have any  
17 other problems with your shoulder prior to this  
18 incident?

19          A     Like I say, sir, there was cause for  
20 surgery previous but at that time we were good to  
21 go after the surgery in '19.

22          Q     Following this incident in addition to  
23 what you described about the heart condition or let  
24 me -- strike that.

1                   Did you have any surgical intervention  
2 for your heart as a result of your heart condition?

3           A     They did the angiogram, that is minorly  
4 invasive, while still under Illinois Masonic care.

5           Q     Okay. But they didn't have to place any  
6 stents in; is that correct?

7           A     They did not, sir.

8           Q     Are you currently taking any medications  
9 for your heart condition?

10          A     Yes, sir I am.

11          Q     What do you take?

12          A     80 milligrams of Atorvastatin and -- I am  
13 not going to pronounce this -- Clopidogrel 75  
14 milligrams. I am on a daily dose of an isosorbide.  
15 It helps alleviate the need for nitro on a more  
16 frequent basis. I have nitroglycerin also.

17          Q     What is the current condition of your  
18 right shoulder?

19          A     Pouring, pouring water, putting water  
20 into the coffee machine, you know, coffee maker.  
21 Slight movements I get discomfort and pain. I have  
22 to stop doing some simple tasks. Overhead I can't  
23 do. I've got roll up windows in my Jeep that I  
24 love. Reaching across to roll the windows down is

1 painful. Can't sleep on the right side or it wakes  
2 me up in the middle of the night.

3 Q It is not in a condition where you can  
4 function in your duties --

5 A No.

6 Q -- as a firefighter?

7 A Nothing. Absolutely not, sir.

8 Q Since you went on layup, have you engaged  
9 in any activities by which you earn income?

10 A No, sir.

11 Q Have you engaged in any sporting  
12 activities?

13 A No, sir.

14 MR. PINELLI: Thank you. That is all the  
15 questions I have of this witness.

16 CHAIRMAN FORTUNA: Trustees, any  
17 questions?

18 MEMBER MCPHILLIPS: No questions.

19 CHAIRMAN FORTUNA: Hearing none.

20 MR. PINELLI: I will call Dr. Peters.

21 (Witness previously sworn.)

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     Do you perform a function as a consultant  
3 to this fund?

4           A     Yes.

5           Q     In that capacity, do you review medical  
6 records, examine or interview applicants and report  
7 to the Board?

8           A     Yes, I do.

9           Q     Did you file a written report with the  
10 Board that is marked as Board Exhibit 2?

11          A     Yes, I did.

12          Q     Is a copy of your qualifications as a  
13 physician also marked as Board Exhibit 2?

14          A     Yes.

15          Q     Doctor, could you briefly summarize for  
16 us what your review of the medical records and  
17 interview of the applicant revealed?

18          A     Sure. Firefighter Lucas, as he  
19 described, was attempting to open the hydrant and  
20 then subsequently was pulling a four-inch line. He  
21 developed a recurrence of right shoulder pain. He  
22 had previously had rotator cuff repair and bicep  
23 tenotomy in the preceding November but returned to  
24 work with full duties in June prior to this July

1 incident.

2 He went through the usual prolonged  
3 course of postoperative PT and then also went  
4 through PT after the second injury but he still has  
5 limitation with overhead reaching and lifting. He  
6 has decreased strength and decreased range of  
7 motion which are significant.

8 As a second medical problem, on the same  
9 day that he reinjured his shoulder, July 11, 2020,  
10 he developed lightheadedness and was diagnosed with  
11 a non-ST elevation myocardial infarction. He does  
12 have coronary artery disease that was documented on  
13 his coronary angiogram but it wasn't significant  
14 enough to require an angioplasty or a stent. But  
15 he still is getting chest pain or angina associated  
16 with exertion. Which has required him initially  
17 just to be on sublingual nitroglycerin as needed.  
18 But now he is on an oral nitrate with a sorbitrate  
19 and he doesn't need to use the nitroglycerin as  
20 often. Though, he does still once in awhile have  
21 to use it.

22 He is also on two antiplatelet  
23 medications, which he described as Clopidogrel and  
24 aspirin. He should be on both of those for at

1 least a year and he then will always be on aspirin  
2 after that.

3 Q Based upon his medical condition as well  
4 the treatment for those conditions, do you believe  
5 he could perform his duties with the Fire  
6 Department?

7 A No, I don't.

8 MR. PINELLI: Thank you. That is all the  
9 questions I have.

10 CHAIRMAN FORTUNA: Trustees, any question  
11 for Dr. Peters?

12 MEMBER MCPHILLIPS: No questions.

13 CHAIRMAN FORTUNA: Hearing none.

14 MEMBER MURPHY: I would like to make a  
15 motion to grant a Duty Disability Benefit to Sam  
16 Lucas.

17 MEMBER MCPHILLIPS: Second.

18 CHAIRMAN FORTUNA: There is a motion to  
19 grant by Trustee Murphy. Seconded by Trustee  
20 McPhillips.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: I make a motion for  
8 reexam consistent with the Board policy.

9 MEMBER SONI: Second.

10 CHAIRMAN FORTUNA: There is a motion for  
11 reexam by Trustee Murphy. Seconded by Trustee  
12 Soni.

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Counsel has previously  
24 sent around proposed findings of fact and

1 conclusions of law in this matter. Having had a  
2 chance to review those, I make a motion to adopt  
3 the findings of fact and conclusions of law in this  
4 matter.

5 MEMBER SHERIDAN: Second.

6 CHAIRMAN FORTUNA: Motion by Trustee  
7 Murphy. Seconded by Trustee Sheridan.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 Based on the findings of fact and  
19 conclusions of law made by the Trustees, the  
20 Trustees have voted to grant you the benefit you  
21 have requested.

22 You will be notified by mail of the  
23 findings of fact and the Board's decision.

24 Mr. Lucas, thank you and good luck to



1       you.

2                   MR. LUCAS: Thank you, very much. Thank  
3       you, everybody.

4                   MEMBER MURPHY: One more applicant, EMT  
5       Firefighter Shan Igess. He is represented by  
6       counsel, who appears on file, Mr. Horwitz.

7                   MR. PINELLI: Mr. Horwitz, are you on the  
8       line?

9                   MR. HORWITZ: Yes, I am.

10                  MR. PINELLI: How about Mr. Igess?

11                  MR. IGESS: Yes, I am.

12                  MR. PINELLI: Just so I understand, are  
13       you together, Steve, or are you on a different  
14       lines?

15                  MR. HORWITZ: We are separate.

16                  MR. PINELLI: Okay. Then we are ready to  
17       proceed with this matter.

18                  Let the record reflect this is a hearing  
19       on the application for a Duty Disability benefit  
20       being made by Shan Igess.

21                  Mr. Igess is represented by counsel.  
22       Counsel, would you please state your name for the  
23       record?

24                  MR. HORWITZ: Stephen Horwitz.

1 MR. PINELLI: Okay. Are you ready to  
2 proceed to today's hearing?

3 MR. HORWITZ: Yes.

4 Vince, let me advise Mr. Igress that there  
5 are only five trustees today and you need the  
6 approval of all of them. So we can either go ahead  
7 today or we could defer it to a later hearing.

8 Is that correct, Vince?

9 MR. PINELLI: Well, you can make the  
10 request. The Board would have to rule on that.

11 MR. HORWITZ: Right, that is what I  
12 meant.

13 MR. PINELLI: Yes, that's right.

14 MR. IGRESS: I don't have a problem with  
15 proceeding.

16 MR. HORWITZ: Okay. We will proceed.

17 MR. PINELLI: Okay. With that, before we  
18 start evidence, you should have received a copy of  
19 what has been marked as Board Exhibits 1 through 11  
20 prior to today's date. Did you and your client get  
21 those?

22 MR. HORWITZ: Yes.

23 MR. IGRESS: Yes.

24 MR. PINELLI: Did you have a chance to

1 review them?

2 MR. HORWITZ: Yes, we did.

3 MR. PINELLI: Do you have an objection to  
4 their admission into the record in support of the  
5 application?

6 MR. HORWITZ: No.

7 MR. PINELLI: Thank you.

8 Mr. President, I move for admission of  
9 Board Exhibits 1 through 11 without objection from  
10 the applicant.

11 CHAIRMAN FORTUNA: Admitted without  
12 objection.

13 MR. PINELLI: Then we are ready to  
14 proceed.

15 Steve, do you have any witnesses you wish  
16 to call at this time?

17 MR. HORWITZ: Yes. I would like to call  
18 the applicant Mr. Igess.

19 MR. PINELLI: Mr. Igess, could you please  
20 raise your right hand?

21 (Witness sworn.)

22 MR. PINELLI: Thank you, sir. You may  
23 proceed, sir.

24 SHAN IGESS

1 a witness herein, having been first duly sworn, was  
2 examined and testified as follows:

3 EXAMINATION

4 BY MR. HORWITZ:

5 Q Mr. Igess, what is your age?

6 A 49.

7 Q You joined the Fire Department in spring  
8 of 2012; is that correct?

9 A Yes, sir.

10 Q What was your rank?

11 A Firefighter EMT.

12 Q At some point after you graduated from  
13 the Academy, were you assigned to Truck 40?

14 A Yes. Engine 121 Truck 40.

15 Q Let me direct your attention to August of  
16 2019. Did you sustain an injury to your hand or a  
17 finger on-duty?

18 A Yes.

19 Q You were laid up for several months?

20 A A couple of months. Like three months.  
21 Something like that.

22 Q During the time you were laid up, your  
23 blood pressure was taken and you were advised that  
24 you had high blood pressure, correct?

1           A     Well, yeah. At the Medical, they had  
2 mentioned that the blood pressure was high.

3           Q     But you were returned to work sometime in  
4 2020, the early part of 2020?

5           A     Right. Yeah. I had to get it under  
6 control to get back to work so I got it under  
7 control and returned to work.

8           Q     Now, do you wear a CPAP? Meaning a  
9 Continuous Positive Airway Pressure machine?

10          A     Yes, I do.

11          Q     And what is that for?

12          A     It is for sleep apnea.

13          Q     How long have you been using that  
14 machine?

15          A     I don't know. Maybe since getting back  
16 -- I don't know, like three years.

17          Q     Okay. When you were on-duty, would you  
18 bring that machine with you?

19          A     In the firehouse, yes.

20          Q     When you were working since 2012 up  
21 through 2020, did you have problems in performing  
22 your duties as a firefighter because of breathing  
23 problems or lung issues?

24          A     None before, not at all.

1           Q     In the early part of March of 2020, did  
2 you go on furlough?

3           A     No.

4           Q     Well, did you leave the country on a  
5 vacation?

6           A     Yes.

7           Q     And where did you go?

8           A     I went to Brazil.

9           Q     When you left on the plane to Brazil,  
10 what was the condition of your lungs or throat,  
11 could you tell us?

12          A     Well, upon leaving to Brazil I was  
13 experiencing some -- you know, I was feeling under  
14 the weather and I was having issues with my throat.  
15 You know, I was feeling uneasy. You know, for the  
16 most part it started off with throat issues like a  
17 sore throat.

18          Q     Did you bring anything with you because  
19 you were suffering from a sore throat when you left  
20 for Brazil?

21          A     Yes, I did. I packed some peroxide. You  
22 know, because I usually just take things like  
23 natural things. I packed peroxide. A small tube  
24 of peroxide that I put in a carryon bag and also I

1       sprayed peroxide in my toothpaste and washed it in  
2       my toothpaste when I brushed always with peroxide.  
3       And I also brought tea, herbal tea.

4               Q       When you flew to Brazil, did you have  
5       anything on? Any protective equipment such as a  
6       mask were you wearing?

7               A       Yes, I did.

8               Q       And was that true when you came back from  
9       Brazil?

10              A       Yes, it was.

11              Q       Now, once you came back from Brazil, a  
12       day or so after, were you on duty?

13              A       Yes, I was.

14              Q       As a firefighter paramedic, did you  
15       assist in the treatment of any patients?

16              A       Every one. If there was an issue I was  
17       hands-on every time.

18              Q       The three shifts that you worked did you  
19       work consecutively 48 hours?

20              A       It was --I think it might have been -- it  
21       could have been a 48-hour. I can't remember back  
22       then but I remember just working back-to-back so I  
23       can actually take off to do the vacation.

24              Q       I am talking about when you got back.

1           A     Once I came back from --

2           Q     Yes.

3           A     It was only like 24 hours. The next day  
4 I had to work.

5           Q     So before you left for Brazil, you had  
6 worked back-to-back on two shifts, correct?

7           A     No, just on one shift. When I came back,  
8 I came back on whatever date it was, I had the one  
9 day.

10          Q     I am saying before you left for Brazil,  
11 you worked --

12          A     Yeah, back-to-back before. Yes.

13          Q     Was that during the time you were  
14 encountering patients that were hospitalized?

15          A     Yes, sir. Transported to the hospital.

16          Q     Now, once you came back from Brazil, what  
17 did you do insofar as your condition?

18          A     Well, when I came back my sore throat was  
19 still -- it still was there. Not only that, I was  
20 experiencing like mild diarrhea at the time that  
21 actually increased.

22          Q     At some point were you transported to a  
23 hospital?

24          A     Yes, I was.



1 Q Did they do any Covid tests on you?

2 A Yes, they did.

3 Q What was the outcome?

4 A It was positive.

5 Q Is it correct that you have been off duty  
6 since March 16th or so of 2020?

7 A Yes, sir.

8 Q Can you tell us what the conditions were  
9 that were affecting you after you were determined  
10 to have had Covid?

11 A Well, first my issues was with my  
12 breathing. They had stated that I had chest and I  
13 had lung issues. Also was still experiencing a  
14 sore throat. I had diarrhea for -- I don't know,  
15 it was like -- I think I wound up losing like up to  
16 20 pounds of weight during the whole stint of  
17 diarrhea. You know, it was just my body went  
18 through a whole lot of different crazy changes.

19 Q During that time, were you given the  
20 pulmonary function test?

21 A Yes, sir, I was.

22 Q And is it correct that you were told that  
23 the outcome was normal?

24 A Well, I wasn't told anything. I know I

1       wasn't told anything at the time.  When I spoke to  
2       the nurse, because we had went over on the  
3       procedure for hours trying to get an adequate  
4       number to where she wanted because my goal was to  
5       get back to work.  She was working with me to try  
6       to make that happen.  At the end of the procedure,  
7       I asked how did I do, and she said, well, she  
8       couldn't tell.  She would have to leave it to the  
9       doctors.

10           Q       According to the records, it says that  
11       your pulmonary function test was normal.  However,  
12       was your breathing and your lungs, did they feel  
13       normal to you?

14           A       Well, the thing of it is, no.  It was a  
15       struggle.  That is why it took as long as it did  
16       because we actually went back and forth and she  
17       knew my goal was to get back to work.  And, you  
18       know, I mean, she did, you know, just continuously  
19       work with me to try to get the levels that she  
20       thought that I guess would be adequate for me to  
21       return to work but it was definitely a struggle.

22                    At the end of it, I wasn't sure what the  
23       numbers were going to be.  She never gave me an  
24       indication of it.  It was a struggle to get

1       whatever the numbers was, whatever the levels were,  
2       it was a struggle to get that done.

3               Q       From 2012 up until 2020, although you had  
4       lung problems as indicated by your sleep apnea, you  
5       were still able to perform all of your duties as a  
6       Firefighter EMT?

7               A       Definitely. It was great.

8               Q       When you returned to work or returned  
9       from Brazil, did your condition of your lungs --  
10       would have been able for you to continue performing  
11       your duties?

12              A       Well, I didn't get the opportunity to  
13       really find out because we never got a fire. I  
14       don't think -- actually, we did get a fire but it  
15       wasn't a real fire. So, you know, I didn't get a  
16       chance to perform under that pressure, you know.  
17       Only thing I did was EMS runs, you know. But I  
18       mean I felt crappy doing those because I was  
19       already -- it wasn't -- like at the time the reason  
20       for me even showing up to work was because the  
21       information about the, you know, CDC stuff and, you  
22       know, not showing up at work if you have any  
23       symptoms, that hadn't happened.

24              Q       When you were performing your duties on

1 duty just before you left for Brazil and when you  
2 came back from Brazil, were there any Covid  
3 guidelines issued by the Fire Department?

4 A None. CDC, Fire Department or anyone.

5 Q So anything that happened about that was  
6 actually after you had laid up?

7 A Right. Any information given at that  
8 point was after I had already contracted the virus.

9 Q Did you also have a surgery within the  
10 year after you laid up?

11 A Yes, sir.

12 Q What was the surgery for?

13 A They had to cut my uvula in my throat  
14 because it had become elongated and actually came  
15 to my airway and I had to force it back, swallow it  
16 back in. And I notified the hospital and they took  
17 -- they did a scope from my nose and noticed it was  
18 longer than it should have been.

19 Q Did that affect your breathing?

20 A Definitely.

21 Q Prior to 2020, once you were diagnosed  
22 with Covid, did anybody ever diagnose you with an  
23 elongated uvula?

24 A Never, no. Even when I did the sleep

1 apnea test they never said that. You know, that  
2 was never the case. It was never the case.

3 Q Now, have you been released for duty  
4 because of your -- as far as you know because of  
5 the diagnosis of Covid?

6 A Well, Covid, when I was laid up for it  
7 and I haven't returned. I have been released  
8 since.

9 Q What are the conditions associated with  
10 Covid that have also been diagnosed since you were  
11 diagnosed with Covid?

12 A Are you talking about currently?

13 Q Yes. After you were diagnosed, were  
14 there other conditions affecting you?

15 A Well, this is the thing. My breathing  
16 has been terrible. Still is not at its best. I  
17 made some improvement but it still is not at its  
18 best. My endurance is terrible. My endurance is  
19 not near what it should be. I mean, for some  
20 reason, you know, just doing a simple bike ride,  
21 let alone trying to run, I get winded. I have to  
22 turn back. You know, I can't go nearly as far as I  
23 used to.

24 Q Before you were diagnosed with Covid, did

1 you engage in exercise or sports?

2 A I played baseball. I got first place  
3 trophies at home and everything. I played  
4 baseball. I played basketball.

5 Q Since you have been diagnosed --

6 A Bike riding.

7 Q Since you have been diagnosed, have you  
8 been able to perform those type of activities?

9 A No, no, not nearly to the level that I  
10 was. I mean, I am still good but my endurance is  
11 terrible. I get winded too fast.

12 Q Are you on any medication for any of your  
13 conditions?

14 A Well, I have -- they have given me as far  
15 as some blood pressure stuff. They have given me  
16 Hydrochlorothiazide I think that is the name of it  
17 and Protonix for indigestion. Like reflux or  
18 something. Something wrong with the reflux.

19 Swelling. After they removed the uvula,  
20 they also said that there was swelling in my throat  
21 area. That they got -- I actually was scheduled to  
22 go back to get that done but because my insurance  
23 had kicked me out and was playing games, it was --  
24 you know, I don't know. I just kept receiving

1 things. I had to pay 1,000 or 700 some dollars and  
2 all of this. I didn't know if I was covered or not  
3 covered.

4 Q The condition that is affecting you most  
5 since you have been diagnosed with Covid and  
6 continuing would be your breathing, your lung  
7 problems; is that correct?

8 A That is in deed and the blood pressure  
9 they mentioned. If I could get this breathing  
10 thing together, maybe I could get the blood  
11 pressure thing together.

12 Something else that worries me that I was  
13 afraid to even address, which was something they  
14 stated about a chronic -- I seen it in my medical  
15 record even though I never questioned it because I  
16 just was -- I was just tired of hearing bad news  
17 and tired of the way I feel about this whole thing.  
18 But in my medical record, it says about chronic  
19 kidney disease, chronic kidney disease, too. I  
20 don't know what that is all about. I never in my  
21 life had that.

22 I am going to question that later but I  
23 don't know what it is about. I didn't even ask  
24 yet.

1 Q Again, it is your breathing problems that

2 --

3 A Yes, sir.

4 Q -- affect your ability to return as a  
5 Firefighter, correct?

6 A Yes, it is.

7 MR. HORWITZ: I have nothing further.

8 CHAIRMAN FORTUNA: Trustees, any  
9 questions?

10 Hearing none.

11 MR. HORWITZ: We rest.

12 MR. PINELLI: I have a few questions of  
13 the applicant.

14 EXAMINATION

15 BY MR. PINELLI:

16 Q Mr. Igess, if I understood your  
17 testimony, you said you worked a double shift  
18 before you went on vacation, right?

19 A Yeah, I did like a flip, some sort of  
20 flip, just so I can -- yes.

21 Q Before you worked that flip, did you  
22 report any symptoms to the Fire Department that you  
23 were experiencing?

24 A That is the thing, at that point with the



1 Department, that wasn't a requirement. That hadn't  
2 came out like -- you know, at that early stage of  
3 Covid in the United States of America or within the  
4 Fire Department itself, there hadn't been any  
5 guidelines to say, A, if you experience this  
6 symptom report it. Or, you know, or this is the  
7 symptoms of Covid. You know, there wasn't nothing  
8 that was -- you know, within the Fire Department we  
9 have -- within the Medical, within the EMS  
10 training, they will give a guideline that states  
11 this is what we're looking at and this is how we  
12 are going to deal with this and this is what we  
13 need to look out for. These are the new safety  
14 features that we are going to be required to  
15 perform, which all took place after that point.

16 Q Okay. I understand that.

17 A So reporting that to the Fire Department  
18 was something that like -- you know, my throat is  
19 sore. I am going to work.

20 Q I understand that. My question was  
21 simply did you report a sore throat or any other  
22 conditions before you worked those shifts?

23 A No.

24 Q Okay.

1           A     Nothing.  I worked it.

2           Q     Okay.  So then you left for this -- you  
3 called it a vacation, right?

4           A     Yes, sir.

5           Q     Did you travel with anybody besides  
6 yourself?

7           A     Yes, sir.

8           Q     Who did you travel with?

9           A     It was another firefighter.  His name is  
10 Joseph Sharrieff.  There were some other guys from  
11 a karate Joe Joe place, they were all down there as  
12 well.

13          Q     But I meant who did you actually fly with  
14 on the airplane?

15          A     That was my roommate, Joseph, Joe,  
16 Sharrieff, he is fire investigation.

17          Q     When you went down to Brazil, how long  
18 were you down there, how many actual days?

19          A     I think we stayed like from the 6th to  
20 like the 12th.  We left on the 12th.

21          Q     I'm sorry, I missed that.  You were there  
22 from the 6th through the 12th?

23          A     Yeah.  We left on the 12th, yes.

24          Q     When did you get down there?

1           A     I think the 6th, something like that.

2           Q     It was basically a week you were down  
3 there?

4           A     Yeah, yeah.

5           Q     Did you travel around or did you just  
6 stay in one location?

7           A     We were in Ipanema. And I pretty much  
8 kind of stayed around because I just didn't feel --  
9 I felt under the weather a little bit. He went to  
10 his karate things. I was invited to all that. I  
11 just didn't want to be bothered.

12                     So, at the place we stayed, there was a  
13 swimming pool up top and right across the street  
14 from the building we stayed in was the beach and  
15 the store was around the corner.

16                     I would travel around the corner to get  
17 food to bring back to the place to cook for myself  
18 and go upstairs and hang out in the pool area. I  
19 just felt kind of crappy. I mean, I was feeling  
20 crappy.

21                     I was looking forward to getting past  
22 that so I could have a great time. I tried to get  
23 out to have a good time regardless. It wasn't like  
24 if I would have had if I had been at my best. I

1 would have had a great time. I would have been  
2 trying to party. But I wasn't feeling my best so I  
3 didn't try to, you know, ignore that. I couldn't  
4 ignore it.

5 Q As you pointed out this was the early  
6 stages of the pandemic so I take it that people in  
7 Brazil were not using much PPP; is that correct?

8 A Yes. Brazil and United States, neither  
9 one of us were.

10 Q Okay. When you got back to the states,  
11 did you work immediately the next day?

12 A The next day, yes, sir.

13 Q And you just worked one day, if I  
14 understand --

15 A Yes.

16 Q Your testimony before you --

17 A Yes.

18 Q -- laid up; is that correct?

19 A Yes, sir.

20 Q When you laid up it was because of what  
21 symptom or condition?

22 A No. I laid up because at that point they  
23 started mentioning that if you have this symptom or  
24 this symptom or this symptom report it before you

1       come to work, that's when those things came out at  
2       that time. And I said, wow, that is crazy. I made  
3       the call. That is the reason -- had that report  
4       came out before I left, I would had to have made  
5       that phone call then. But it hadn't came out yet.  
6       I would have made that phone call before I left.  
7       Yeah, I got this that or another or just have to  
8       report it. Or, you know, even if there was a  
9       guideline for leaving the country, you know, I  
10      probably wouldn't have made it out of the country  
11      because they would have caught that.

12           Q       In addition to the other medical  
13      conditions you have discussed that you have, which  
14      I understand is sleep apnea, right?

15           A       Yeah, I have a machine for that.

16           Q       You have been treated for that. The  
17      records also indicate that you had that surgery for  
18      the uvula, right, to take that out, right?

19           A       Yes, sir.

20           Q       And that was affecting your breathing you  
21      said right before you had it?

22           A       Very much so.

23           Q       It also indicates you had GERD. Do you  
24      know what that is?



1 don't like it. It is just really upsetting, you  
2 know. I don't know. I don't know know what it is  
3 or what it will take. I look forward to something  
4 making this situation better for me. I don't like  
5 it.

6 Q Final question. Since you went on layup  
7 have you engaged in any activity by which you earn  
8 income?

9 A No, not at all.

10 MR. PINELLI: Thank you. That is all the  
11 questions have.

12 CHAIRMAN FORTUNA: Trustees, any  
13 questions?

14 MR. HORWITZ: I have one question.

15 CHAIRMAN FORTUNA: Hold on. Steve, hold  
16 on.

17 MR. HORWITZ: Okay.

18 CHAIRMAN FORTUNA: Trustees, any  
19 questions?

20 MEMBER MCPHILLIPS: No questions.

21 CHAIRMAN FORTUNA: Go ahead, Steve.

22 EXAMINATION

23 BY MR. HORWITZ:

24 Q Mr. Igess, when you returned to the

1 United States from Brazil, were you wearing a mask  
2 at that point?

3 A Yes, sir.

4 Q Did you wear a mask -- you said you  
5 worked one shift after you returned from Brazil.  
6 Did you wear a mask then?

7 A Yeah, I wore it at some stops. But, you  
8 know, even at that point there still wasn't a  
9 guideline. Like if somebody's was assist a  
10 civilian or something like that, I figured, okay,  
11 it is safe to go in there because there was nothing  
12 there to say no patient is safe. That guideline  
13 hadn't been meet yet.

14 Q The decision to wear a mask was that  
15 based upon --

16 A It was based upon me. It was my  
17 decision, not the Department's decision at that  
18 point. It came from the Department afterwards.

19 MR. HORWITZ: I have nothing further.

20 MR. PINELLI: Thank you. I have no  
21 further questions of Mr. Igess either.

22 Steve, you said you rested at that point?

23 MR. HORWITZ: Yes, we rest.

24 MR. PINELLI: I call Dr. Peters to



1 testify. Please, raise your right hand.

2 (Witness sworn.)

3 MICHAEL I. PETERS, M.D.

4 a witness herein, having been first duly sworn, was  
5 examined and testified as follows:

6 EXAMINATION

7 BY MR. PINELLI:

8 Q State your name for the record.

9 A Michael I. Peters.

10 Q You are a physician, correct?

11 A Yes, I am.

12 Q Is a copy of your qualifications as a  
13 physician attached to the Board Exhibits?

14 A Yes.

15 Q Do you perform a function as a consultant  
16 to this fund?

17 A Yes, I do.

18 Q In that capacity, do you review medical  
19 records, examine or interview applicants and report  
20 to the Board?

21 A Yes, I do.

22 Q With respect to Mr. Igess, did you  
23 examine him or interview him?

24 A I interviewed him by telephone because of

1 the pandemic.

2 Q And did you file a written report with  
3 the Board that is marked as Board Exhibit Number 2?

4 A Yes, I did.

5 Q Could you briefly summarize for us what  
6 your findings were with respect to his condition?

7 A I can briefly summarize his medical  
8 history as I saw it with the records that I was  
9 provided.

10 Firefighter Igess sustained a small  
11 fracture of his finger and was seen at the CFD  
12 Medical on August 8, 2109.

13 From that time until -- he was seen six  
14 times at CFD Medical during that injury from August  
15 8th until November 7, 2019.

16 During all of those visits, he had what  
17 we call a hypertensive urgency. His blood pressure  
18 was high enough that he was at imminent risk of  
19 having something acute happen that would be bad.

20 So, on August 8th of '19, his blood  
21 pressure of 200 over 110. When he came back on the  
22 29th, it was 170 or 110. And that started a  
23 pattern of very strong recommendation from the  
24 providers at CFD Medical, including the nurse

1 practitioners and Doctor Wong. Anything from you  
2 should be transported emergently to the emergency  
3 department, which he refused, to you need to be on  
4 medications, which he repeatedly stated he would  
5 prefer to try natural remedies or that he did not  
6 medications.

7 At one point he reported that he had seen  
8 a primary care physician but did not provide  
9 records of that visit. Nonetheless, he had  
10 persistently very high blood pressure at least  
11 until November 7, 2019.

12 Then regarding his COVID-19 acute illness  
13 history, I did not see in the record that he  
14 reported any sore throat upon leaving for his trip,  
15 but I do have the record that he left on the 6th,  
16 that he returned from Brazil on the 13th, and that  
17 he developed symptoms, typical Covid symptoms.  
18 Like fever, muscle aches, diarrhea.

19 Three days later on the 16th he was  
20 tested and the test came back positive on the 18th.

21 When he was seen at CFD Medical for this  
22 illness on the 25th, he was advised to go to the ER  
23 for possible pneumonia. But he went and then he  
24 left without being seen. And then ultimately a day

1 or so later, he went and got admitted for a couple  
2 of days with pneumonia.

3 During all of these visits, his blood  
4 pressure was very high. This persisted. He  
5 ultimately did see primary care physicians.

6 He was put on Hydrochlorothiazide 25  
7 milligrams but continued to have high blood  
8 pressure.

9 Regarding his sleep apnea history, his  
10 ENT surgeon, Dr. Dixon, from the U of I at UIC,  
11 documented that he was not using CPAP regularly.  
12 She put in quotes that he quote "didn't want to be  
13 on a machine for the rest of his life".

14 He did ultimately have a uvulectomy,  
15 which he described, which is the removal of the  
16 thing that hangs down in the back of your throat.

17 At least during my interview with him, he  
18 reported that his breathing was better.

19 So the summary is that he has  
20 longstanding hypertension predating COVID-19. That  
21 he's been noncompliant with treatment. He  
22 developed a COVID-19 infection after returning from  
23 a ten-day trip to Brazil. And he has sleep apnea  
24 for which he has been variably compliant with the

1 CPAP machine. And ultimately underwent a  
2 uvulectomy which seemed to symptomatically help him  
3 at least by the history I got.

4 Q Let's start with a couple of points here.  
5 With respect to the COVID-19 test and diagnosis,  
6 which you said occurred three days after he  
7 returned from the Brazil trip, doctor, have you  
8 reviewed, and for purposes of your own work as a  
9 doctor, literature and information regarding  
10 COVID-19?

11 A Yes. I am a frontline healthcare  
12 provider emergency medicine attending. So I have  
13 been involved with the care of Covid patients since  
14 February of that year. So, yes, it is something  
15 that I deal with on a regular and almost daily  
16 basis and I am dealing with it again so yes.

17 Q With respect to the timing from exposure  
18 to developing symptoms, there is information  
19 generally about that, isn't there, how much after  
20 an exposure somebody would likely develop symptoms,  
21 right?

22 A Most people it is most likely after an  
23 exposure that you would develop symptoms within  
24 three to five days. Certainly would not be very

1 typical or even described to develop a sore throat  
2 and then ten days later develop typical symptoms.  
3 Which would be the fever, muscle aches, diarrhea.

4 In other words, if you have onset of the  
5 illness, you are going to progress to the onset of  
6 the illness. Either get better or worse. It is  
7 not going to take ten days for you to then develop  
8 other symptoms. The time course doesn't fit with  
9 an occupational exposure.

10 Q I'm sorry, what did you say, doctor?

11 A The time course he's describing does not  
12 fit with an occupational exposure to COVID-19 as  
13 the cause of his acute illness.

14 Q Is there anything in the record that  
15 would indicate more likely than not where he was  
16 exposed?

17 A Just based on the timing of his travel to  
18 another country, without wearing PPE, being there  
19 ten days and then developing symptoms a few days  
20 after he got back, that would fit with more than  
21 likely he got it -- he got exposed while he was out  
22 of the country.

23 Q Okay. Let's talk about his current  
24 condition with respect to his high blood pressure.

1 Is there any indication from anything you have  
2 learned that there is any connection between high  
3 blood pressure and COVID-19 as a cause?

4 A No. And he had it before the COVID-19  
5 infection.

6 Q Okay. With respect to his fitness for  
7 duty at this point, what in his condition is  
8 affecting that fitness for duty of what he has  
9 described?

10 A Well, the two things -- the things he's  
11 describing, the persistent -- the intolerance to  
12 exercise that he reports and his difficulty  
13 breathing. You know, the obstructed sleep apnea is  
14 not a lung disease. It is an upper airway problem,  
15 which he's been treated for and for which he has a  
16 mechanical device he can use.

17 So I don't see that as an occupational,  
18 that is something that will prevent him from  
19 returning to full duties.

20 He had normal, completely normal,  
21 pulmonary function testing so that really excludes  
22 that he has any post-Covid lung changes.

23 His hypertension really is an issue of  
24 compliance with medication. There is just a long

1 and multiple visit documentation by all of the  
2 nurse practitioners and I think three different  
3 physicians at CFD Medical and then the primary care  
4 doctors from the clinic that he was going to. That  
5 he wasn't complying and he was often reporting that  
6 he wasn't going to comply, that he was going to  
7 take natural remedies.

8 It is really just a matter of him taking  
9 his medicine and getting his blood pressure under  
10 control, which really for him is the right thing to  
11 do for his long term health. But I don't see that  
12 -- unless his blood pressure is really high, I  
13 don't see that as a reason for him not to work.

14 MR. PINELLI: Thank you, doctor. That is  
15 all the questions I have.

16 CHAIRMAN FORTUNA: Trustees, any  
17 questions?

18 Hearing none.

19 EXAMINATION

20 BY MR. HORWITZ:

21 Q Doctor, you mentioned that Mr. Igess had  
22 an elongated uvula and had surgery on that?

23 A Yes.

24 Q That occurred after his diagnosis of



1 Covid, right?

2 A The surgery occurred after the diagnosis  
3 of Covid.

4 Q Do you know when the diagnosis of the  
5 elongated uvula occurred? Was that after his  
6 diagnosis with Covid?

7 A Yes, it was when he saw the ENT surgeon.

8 Q How does the elongated uvula -- does that  
9 affect one's breathing?

10 A It doesn't affect the lungs. It creates  
11 a sensation of choking or difficulty breathing. In  
12 and of itself --

13 Q So it --

14 A I'm sorry, go ahead.

15 Q So it does affect breathing; an elongated  
16 uvula?

17 A It creates a sense of difficulty  
18 breathing. It rarely causes acute airway closure.  
19 That's not the situation he was in.

20 Q Can you say -- well, it's possible is it  
21 not that the elongated uvula was caused by his  
22 Covid?

23 A Inflammation of the uvula can occur  
24 following non-specific viral infections. I have

1 not read anything or seen any cases of a swollen  
2 uvula, especially a permanently swollen uvula, that  
3 occurred because of Covid. It doesn't mean it  
4 can't happen. I just haven't seen it.

5 Q Now, you said as far as you know Mr.  
6 Igess did not wear any protective equipment when he  
7 went to Brazil and when he came back from Brazil.  
8 Do you recall his testimony that he had a mask on  
9 on both occasions?

10 A I didn't hear him say he wore a mask on  
11 his trip to Brazil. I heard him say he didn't know  
12 that those were requirements until he came back.  
13 If I am incorrect by that, please --

14 Q He testified that both going and coming  
15 from Brazil he wore a mask. How does a mask --  
16 what does it do in connection with contacting Covid  
17 or not contacting Covid?

18 A For a mask, it depends on what type of  
19 mask he was wearing, whether it was a surgical mask  
20 or a N95 mask. For a surgical mask to prevent him  
21 from getting Covid, he would have to be wearing it  
22 all the time, not just on the plane but the entire  
23 time he was in Brazil whenever he was around other  
24 people in a closed space. They would have to be

1 wearing a surgical mask as well.

2           Otherwise, he would have to be wearing a  
3 N95 mask which provides greater protection. If he  
4 was wearing an N95 mask during all the times he met  
5 the definition of an exposure, then he would be  
6 protected.

7           Q     Now you testified that you don't believe  
8 that the timeline shows that it was -- that the  
9 Covid he contracted was occupational -- due to  
10 occupational exposure, correct?

11           A     I don't think it's likely that it is  
12 occupational.

13           Q     And now did you recall he testified, Mr.  
14 Igess, that prior to his leaving for Brazil and  
15 after he had worked two consecutive shifts, he had  
16 problems with his throat and his breathing? Do you  
17 recall that?

18           A     I heard him say that but I didn't see  
19 that in the medical record. I didn't see any  
20 description of his symptoms until three days after  
21 he came back. And I still don't think it is  
22 likely, even if he had a sore throat, that he  
23 wouldn't develop any other Covid symptoms for ten  
24 more days.

1 MR. IGESS: It wasn't ten days. I don't  
2 know why you keep saying ten days.

3 MR. PINELLI: Hold on, sir. You are not  
4 testifying right now, the doctor is, please. Your  
5 lawyer will get a chance to ask you questions, if  
6 he needs to.

7 MR. IGESS: Okay. No problem, sir.

8 MR. PINELLI: Thank you.

9 BY MR. HORWITZ:

10 Q After an exposure typically how long does  
11 it take before symptoms develop?

12 A Most people will develop symptoms in  
13 three to five days.

14 Q And those symptoms would include  
15 breathing problems?

16 A Yes.

17 Q Is diarrhea a symptom?

18 A Yes.

19 Q And lack of endurance?

20 A Fatigue. Fatigue is definitely a  
21 symptom.

22 Q Now, was Mr. Igess correct that the Fire  
23 Department had no guidelines with respect to  
24 reporting symptoms of Covid at the time that he

1 left for Brazil, correct?

2 A I don't know the answer to what the CFD  
3 was doing at that time. Mr. Igess was incorrect in  
4 stating that the CDC did not have guidelines in  
5 mid-March. They definitely did.

6 Q Now back in 2020 or 2019, when he  
7 returned to work in November and working until  
8 March of 2020, he would have had to have satisfied  
9 the Fire Department's blood pressure guidelines,  
10 correct?

11 A Yes.

12 Q Now you said during that period of time,  
13 he had readings up to 200 over 100. So at the time  
14 he returned to work in November of 2019, what was  
15 his reading that allowed him to return to work?

16 A The most -- the reading closest to his  
17 return I saw was 140 over 100.

18 Q What are the CFD guidelines with respect  
19 to blood pressure allowing someone to work?

20 A The letter they send out to primary care  
21 physicians or cardiologists is 160 over 100.

22 Q So 160 over 100, okay.

23 A I'm sorry. 160 over 110.

24 Q Okay. Now does someone who has high

1 blood pressure -- how would that affect someone who  
2 has contacted Covid? Would it have any affect on a  
3 person's ability to -- with respect to Covid?

4 A I am not sure I understand your question.

5 Q He had high blood pressure for apparently  
6 a number of years. Does his high blood pressure  
7 affect his ability with respect -- affect his Covid  
8 -- the fact that he was infected with Covid, did it  
9 worsen it or mitigate it?

10 A Hypertension would be considered a  
11 comorbidity that would put him at risk for a worse  
12 outcome, a worse acute illness, from Covid. More  
13 likely to develop worse pneumonia. It didn't  
14 happen to him, though.

15 Q What didn't happen? The blood pressure  
16 did not affect his Covid?

17 A He didn't develop a bad pneumonia. He  
18 was admitted for several days but he never had a  
19 large oxygen requirement. His chest x-ray did not  
20 show severe pneumonia.

21 Q It is not your testimony that Mr. Igess'  
22 infection with Covid could not have occurred as a  
23 result of his duties with the Fire Department prior  
24 to his leaving for Brazil, correct?

1           A     I'm sorry to keep doing this.  I don't  
2           totally understand the question.

3           Q     The fact that he -- you're not saying  
4           that the fact that he was infected with Covid was  
5           not -- strike that.  The fact that he had a Covid  
6           infection, you are not saying that his exposures  
7           during his performance of duties at the Fire  
8           Department could not have caused that infection?

9           A     I don't think it is very likely given the  
10          time course of information that I was provided that  
11          his Covid infection -- that he got his Covid  
12          infection from his duties prior to leaving for his  
13          trip.  I don't think that's likely.

14          Q     Even though he had testified he had an  
15          airway -- I mean breathing problems and -- is that  
16          correct?

17          A     He testified he had breathing problems  
18          and a sore throat but I didn't see that in the  
19          medical record and I don't think it's likely that  
20          he would just have a sore throat and then leave on  
21          the 6th and come back and develop symptoms on the  
22          16th.  I don't think that is likely that he would  
23          just have a sore throat for that period of time.  
24          Probably more importantly, I don't see any mention

1 of those symptoms anywhere else in his records.

2 Q But he told you -- did he tell you about  
3 that when you interviewed him?

4 A He did not tell me about the sore throat  
5 that he had on the day he left, no.

6 Q But Covid does, of course, have an affect  
7 on one's breathing; is that not correct?

8 A Yes.

9 Q Is that usually the primary or the  
10 principle adverse condition?

11 A The primary adverse condition is its  
12 effects on the lungs to cause low oxygenation.

13 Q And the fact that Mr. Igess had sleep  
14 apnea, would that be more likely for him to  
15 contract Covid?

16 A No, that doesn't make him more likely to  
17 contract Covid.

18 MR. PINELLI: Counsel, we have to move  
19 this along. We have other hearings.

20 MR. HORWITZ: I am done.

21 MR. IGESS: Can I ask any questions? Can  
22 I answer any questions or make a statement for the  
23 doctor?

24 MR. PINELLI: That is why you have a



1 lawyer, sir.

2 MR. HORWITZ: Yes.

3 MR. IGESS: I would hope he would ask me  
4 the question because the information that is coming  
5 off inaccurate from the doctor from what actually  
6 took place and the dates and the time and the  
7 information. His description of the time and  
8 information is not accurate at all. It is not  
9 reflective of what actually took place.

10 MR. PINELLI: That is a point your lawyer  
11 can make.

12 MR. IGESS: Okay.

13 MR. HORWITZ: Can I call Mr. Igess as a  
14 rebuttal witness?

15 MR. PINELLI: First I'd like to finish  
16 with Dr. Peters. I am not done.

17 MR. HORWITZ: Okay.

18 EXAMINATION

19 BY MR. PINELLI:

20 Q Just one question. Dr. Peters, can you  
21 go to what is marked as -- you have the Board  
22 Exhibits there, I assume?

23 A I do. What is it you want to ask me  
24 about?

1           Q     It is Board Exhibit 10.42, which are  
2 Progress Notes from the Medical Section of the Fire  
3 Department.

4           A     I don't have that open. It's hard for me  
5 to open all these things on my computer. I can  
6 probably access that from the records that were  
7 provided to me initially.

8           Q     You can look at any prognosis notes from  
9 the Fire Department that you have access to  
10 regarding his Covid diagnosis.

11          A     Okay. I have CFD Medical open.

12          Q     10.42, can you get there?

13          A     Do you have a date on this?

14          Q     It is March 25th of '20, that is the date  
15 of the note.

16          A     I can't --

17          Q     Let me ask it this way then. From your  
18 review, did you review the Fire Department medical  
19 records?

20          A     I did.

21          Q     And each of those detail any time that he  
22 was seen at Medical for this issue, right?

23          A     That is correct.

24          Q     Don't those notes indicate throughout

1 each and every visit that he had that his symptoms  
2 began on March 16th of 2020, that is what they say,  
3 right?

4 A That is where I got that date from.

5 Q That is consistent throughout all the  
6 records, right?

7 A Yes.

8 MR. PINELLI: Thank you. That is all I  
9 have. No further questions of Dr. Peters.

10 CHAIRMAN FORTUNA: Trustees, any  
11 questions for Dr. Peters?

12 MEMBER MCPHILLIPS: No questions.

13 MEMBER CONYEARS-ERWIN: Mr. President,  
14 good morning. Trustee Conyears-Erwin here.

15 CHAIRMAN FORTUNA: I saw you were on.

16 MEMBER CONYEARS-ERWIN: I had a question.

17 Doctor, help me through this because  
18 Covid is -- this is a tricky situation. It is new  
19 for all of us.

20 I know some people that tested for Covid  
21 as positive and then they went back like two weeks  
22 later tested again still positive. Went back a  
23 week later tested again still positive. I know  
24 some people that tested positive, went back two

1 weeks later and there was a negative result at that  
2 point. Everyone has been different. I  
3 also know that with the symptoms some people may  
4 have had -- I am going to take, for example, a  
5 headache or a runny nose. Did not necessarily know  
6 that they had Covid at the time and then symptoms  
7 further developed.

8 So I am trying to understand why is it  
9 not possible that this fireman had the symptoms or  
10 even had Covid before going out of the country? I  
11 am struggling with this. I wanted to just for the  
12 record for me elaborate just a little bit more.

13 DR. PETERS: I am not saying that it's  
14 impossible or not possible that he had Covid at the  
15 time he left on his trip on March 6th. What I am  
16 saying it is very unlikely for the following  
17 reasons.

18 He's reporting now that he had a sore  
19 throat prior to that trip but it is not reported in  
20 his fairly detailed and ongoing medical record that  
21 he had any symptoms prior to leaving for the trip.

22 The symptoms are first described three  
23 days after he returns from the trip so that is the  
24 first part.

1           The testing part of what he was described  
2           I don't think that's -- that's not part of my  
3           rationale because some of that depends on which  
4           type of test you had and an ongoing positive test  
5           long after your acute illness has resolved is not  
6           significant clinically.

7           Does that help clarify or do you want me  
8           to answer something else or do you have other  
9           questions?

10           MEMBER CONYEARS-ERWIN: No. Go ahead,  
11           Mr. President.

12           CHAIRMAN FORTUNA: Any other questions?

13           MEMBER SONI: I have one question.  
14           Before the trip was there a test that was taken?  
15           Some destinations require a Covid test be taken  
16           before.

17           MR. IGESS: Are you asking me?

18           DR. PETERS: Is that a question for me?

19           CHAIRMAN FORTUNA: I would assume that  
20           question is for Steve.

21           MEMBER SONI: Yes.

22           MR. HORWITZ: I thought it was for the  
23           doctor. What is the question you were asking now?

24           MEMBER SONI: Was there a Covid test

1 taken prior to the trip because some destinations  
2 require that you take a Covid test before.

3 MR. HORWITZ: No, there was no Covid test  
4 prior -- before he left for Brazil.

5 MR. IGESS: They weren't required at that  
6 time.

7 MR. HORWITZ: That was early March, March  
8 3rd I believe, and there was very little Covid  
9 testing anywhere but he did not have a test.

10 MEMBER CONYEARS-ERWIN: I have a followup  
11 question then, Vince. I know March was so early on  
12 with the Covid. He testified to not knowing  
13 protocol before traveling of notifying the Fire  
14 Department of his symptoms but then when he  
15 returned that protocol was in place. Did we verify  
16 that or do we know whether that is true or not?

17 MR. IGESS: I could probably answer that,  
18 if you need some help.

19 MEMBER CONYEARS-ERWIN: No, that is okay,  
20 sir. Thank you. I was asking our attorney.

21 MR. IGESS: I'm sorry.

22 MR. PINELLI: I am sorry, I didn't  
23 realize the question was directed to me.

24 MEMBER CONYEARS-ERWIN: I don't know who

1       could answer it. I was not asking him. I was  
2       asking did we verify? I don't know who that  
3       question would be directed to besides I assume  
4       maybe you, Vince, but whoever else can answer.

5               When he testified of the protocols --  
6       mind you, March was so early with the Covid. But  
7       he had testified that there was no protocol in  
8       place that he was aware of until after the trip to  
9       notify the Fire Department of his symptoms.

10              MR. PINELLI: He just raised it in his  
11       testimony so it was not something that was looked  
12       into. But I am sure, you know, that could be  
13       looked into. I suppose we could contact the Fire  
14       Department to find out what protocols, if any, were  
15       in place at that time but we don't have that  
16       information right now.

17              MR. HORWITZ: That at that time would be  
18       March 3rd, correct, Vince?

19              MR. PINELLI: Yes, at the time before he  
20       left.

21              MR. HORWITZ: Before he left for Brazil.

22              MR. PINELLI: Before he left I think that  
23       is the question that the Trustee is asking about.

24              MEMBER CONYEARS-ERWIN: I understand what

1 you are saying, Vince, that is not something that  
2 you would have even known to verify before now,  
3 that is a followup question. Okay, thank you.

4 MR. PINELLI: Mr. President, are there  
5 any other questions from the Trustees?

6 CHAIRMAN FORTUNA: Trustees, any other  
7 questions?

8 Hearing none, Vince.

9 MR. PINELLI: Then I think the last thing  
10 was Steve you made a request?

11 MR. HORWITZ: To call Mr. Igess.

12 MR. PINELLI: Yes, but I would keep it --  
13 it is rebuttal. It needs to be very short.

14 MR. HORWITZ: Right, I understand.

15 MR. PINELLI: By short, I mean to the  
16 point.

17 MR. HORWITZ: Right.

18 MR. PINELLI: Okay, thank you.

19 EXAMINATION

20 BY MR. HORWITZ:

21 Q Mr. Igess, you testified or you stated  
22 that the comments that -- or the testimony of Dr.  
23 Peters and his report there was some inaccuracies.  
24 Can you briefly tell us what you believe are the



1       inaccuracies?

2               A       Well, the idea of him suggesting that my  
3       symptoms came upon ten days afterwards. It has  
4       already been stated that I had symptoms prior. But  
5       when I was questioned by the ambulance and the  
6       hospital, I wasn't thinking about having Covid.  
7       Covid was the last thing on my mind. So when they  
8       asked me what did I call them for, that is the  
9       information that was given. I called them because  
10      I had a sore throat, I have a fever, I am having  
11      diarrhea, that is it. You know, that was what was  
12      happening to me. I wasn't thinking that I was  
13      going to be patient zero for Covid. I was not  
14      worried about this. You know, I am feeling crappy  
15      and I am going to be going back to work soon.

16               The idea painting a picture of when I was  
17      13 I had a backache. And, you know, and then 15  
18      days later -- six days before this my butt was  
19      itching. I didn't have all of that information.

20               I didn't think that was even necessary  
21      because the last thing I was thinking about was  
22      having Covid.

23               As I stated, my symptoms were already  
24      there. On the trip I didn't even feel good. I

1       couldn't even enjoy the trip like I wanted to. So,  
2       I mean, I don't know. I mean, that is the honest  
3       truth, that is what happened with the situation.

4               What he believes and how he is stating  
5       it, it makes it seem like my first interaction with  
6       Covid was full blown diarrhea and headaches and  
7       fevers all on the 16th. That doesn't make sense.  
8       That doesn't make sense. I don't understand why  
9       someone would even suggest that. It's upsetting  
10      but either way -- I mean, it is upsetting to think  
11      that a doctor would even strategize on something  
12      like that to say someone would have four or five  
13      different symptoms all on the 16th. Obviously,  
14      these things were before the 16th.

15             The only reason it was noted to Medical  
16      was because the announcement was made after I came  
17      back. When I came back to town -- before I left,  
18      there was nothing stating that. If you have any  
19      symptoms with Covid, you know, there was no test  
20      that was going from one country to the next. There  
21      wasn't even a test to come back into the United  
22      States yet.

23             Now you can't go anywhere without getting  
24      tested coming to the U.S but before there was no

1 test to come back, no test to go in.

2 MR. PINELLI: Okay. We have to move on,  
3 Steve.

4 MR. HORWITZ: Yes.

5 MR. PINELLI: Anything further?

6 MR. HORWITZ: Nothing further.

7 Let's proceed, Mr. Pinelli.

8 MR. PINELLI: Then you rest?

9 MR. HORWITZ: We rest.

10 MR. PINELLI: That is all the evidence at  
11 this time.

12 MEMBER MURPHY: Mr. President, I'd like  
13 to make a motion to grant the Duty Disability  
14 benefits to Shan Iguess.

15 MEMBER MCPHILLIPS: Second.

16 CHAIRMAN FORTUNA: There is a motion to  
17 grant by Trustee Murphy. Seconded by Trustee  
18 McPhillips.

19 Trustee Murphy.

20 MEMBER MURPHY: No.

21 CHAIRMAN FORTUNA: Trustee Sheridan.

22 MEMBER SHERIDAN: No.

23 CHAIRMAN FORTUNA: Trustee

24 Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Pass.

2 CHAIRMAN FORTUNA: Trustee Soni.

3 MEMBER SONI: No.

4 CHAIRMAN FORTUNA: Trustee McPhillips.

5 MEMBER MCPHILLIPS: No.

6 CHAIRMAN FORTUNA: And I am a no.

7 MEMBER MURPHY: I would like to make a  
8 motion to deny the benefits requested.

9 MEMBER MCPHILLIPS: Second.

10 CHAIRMAN FORTUNA: There is a motion by  
11 Trustee Murphy to deny. Seconded by Trustee  
12 McPhillips.  
13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee  
18 Conyears-Ervin.

19 MEMBER CONYEARS-ERVIN: Pass.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee McPhillips.

23 MEMBER MCPHILLIPS: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1           Sir, based on the findings of evidence  
2           that we have heard and considered, the Trustees  
3           have voted to deny the benefit you have requested.

4           You will be notified by mail of the  
5           findings of fact and the Board's decision. Thank  
6           you.

7           MR. PINELLI: This matter is concluded.

8           Thank you.

9           MEMBER MURPHY: Mr. President, moving on  
10          to Approval of Board Physician Reviews of  
11          Disability Recipients. I would like to make a  
12          motion to approve the Board Physician's Review of  
13          Disability Recipients.

14          MEMBER SHERIDAN: Second.

15          CHAIRMAN FORTUNA: Motion by Trustee  
16          Murphy. Seconded by Trustee Sheridan.

17          Trustee Murphy.

18          MEMBER MURPHY: Yes.

19          CHAIRMAN FORTUNA: Trustee Sheridan.

20          MEMBER SHERIDAN: Yes.

21          CHAIRMAN FORTUNA: Trustee Soni.

22          MEMBER SONI: Yes.

23          CHAIRMAN FORTUNA: Trustee McPhillips.

24          MEMBER MCPHILLIPS: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Moving on to Investments,  
4 I'd like to turn this over to Lorna.

5 I don't believe there is any action items  
6 this month.

7 MS. SCOTT: Given the time, I think  
8 Brady, Jackie and I will keep our comments brief.

9 So I have three points to make. One,  
10 performance. The Fund rose 1.1 percent in July  
11 bringing the year to-date return up to 11.2  
12 percent. The Fund is outperforming its benchmark  
13 by 0.8 percent.

14 The attribution charts within the report  
15 show that that outperformance is primarily coming  
16 from our international equity managers. That is  
17 both Brandes and LSV, value oriented managers, that  
18 are outperforming their benchmark.

19 My second point we have an Investment  
20 Committee meeting coming up on August 31st so it is  
21 Tuesday. Two weeks from yesterday.

22 It is an education meeting and all  
23 trustees are encouraged to attend. The theme of  
24 this meeting is fixed income investing.

1           There are two agenda items. One, Callan  
2 will present on private credit and that is an asset  
3 class that may be added in the next liability  
4 study.

5           Then we will have three short  
6 presentations from our existing fixed income  
7 managers and that is just to provide a market  
8 update. And given the low interest rates and the  
9 inflation that is making headlines, it is probably  
10 a really good time to check-in with our experts.

11           So I would highly recommend that all  
12 trustees attend. Again, August 31st at 9:30. The  
13 meeting will last about a hour and a half.

14           My third point in BoardPac, you can see  
15 our MWDBE Broker Utilization Reports and that shows  
16 utilization through June 30th. In a nutshell, thus  
17 far at the total plan level we are meeting our  
18 goals. We are on track.

19           I will turn it over to Brady to make his  
20 brief points.

21           MR. O'CONNELL: Thank you, Lorna.

22           First quick comment relates to manager  
23 update. So BoardPac has notification from CBRE,  
24 one of our core real estate managers, regarding a

1 shift in responsibilities there.

2 The primary Portfolio Manager, who we met  
3 when we did due diligence on that investment, has  
4 been promoted to their Global Chief Investment  
5 Officer. The Deputy Portfolio Manager who had  
6 presented to us about a year ago has been promoted  
7 to the primary Portfolio Manager.

8 So, on the surface, we have no concerns.  
9 This doesn't warrant a watch list but we wanted to  
10 let the Board know the change and also let you know  
11 we will be monitoring this closely. Our initial  
12 reaction is that there is no need for action.

13 The second item is really to reinforce  
14 performance. So we have submitted our second  
15 quarter performance report for the Board to review.  
16 Happy to discuss that further on the 31st but just  
17 to leave you with kind of two nuggets.

18 One, it was a great quarter for the Fund.  
19 Our portfolio was up for the second quarter over 6  
20 percent. As risky assets, like equities, rallied,  
21 so did our Fund.

22 I think the more important takeaway for  
23 the Board is when we look at the trailing one-year  
24 period.



1           So June 30th is a time period where a lot  
2 of public pension peers measure their fiscal year  
3 results.

4           When we lookback on how you have done  
5 over the past 12 months, your portfolio is up over  
6 32 percent. The median public pension plan in the  
7 U.S. is up 26 so about 6 percentage points higher  
8 than the public fund median.

9           That one-year return for the median  
10 public pension plan is the highest that we have  
11 seen since 1985.

12           Really an extraordinary period of time,  
13 extraordinary results for public plans in general  
14 and yours in particular. That was driven by active  
15 management rebounding.

16           Some of these great results are an  
17 artifact of this 12 month time period, not covering  
18 the Covid market downturn of the first quarter of  
19 2020 where we did struggle with active management.  
20 But sticking with those active managers and having  
21 patience in this strategy has paid off. Active  
22 management broadly in the portfolio rallied in our  
23 results for the past 12 months show that.

24           I wanted to make sure the Board was aware

1 of that good news and I am happy to entertain any  
2 question you may have about that.

3 CHAIRMAN FORTUNA: Trustees, any  
4 questions?

5 MEMBER MCPHILLIPS: No. Thank you,  
6 Brady.

7 MS. SCOTT: Jackie, do you want to  
8 comment on the cash balances?

9 MS. VLAHOS: Basically, just real quick  
10 is as of August we have roughly about \$43 million  
11 in our checking account. And after we pay our  
12 benefits, we are going to still have a surplus of  
13 \$9.8 million in our checking account by the end of  
14 August.

15 If I you go on to the cash flows, you  
16 will see that as long as our tax receipts come in  
17 as we are projecting, we should have no draw downs  
18 for the remainder of the end of the year.

19 Obviously, this is depending on the fact that  
20 hopefully we will start getting some tax receipts  
21 in for the second payment due in September or the  
22 remainder of August.

23 Right now we have a surplus of \$9.8  
24 million. I think, Lorna, you wanted to mention

1 about the rebalancing.

2 MS. SCOTT: So the rebalancing report is  
3 in BoardPac and like Jackie said we are not raising  
4 any cash this month so I will leave the template  
5 for you to look at.

6 Mainly, it is just a review of our  
7 current positioning versus our targets. It is the  
8 same story we have heard in the past. We are  
9 overweight public markets, underweight private  
10 markets. Offsite by private markets. And then we  
11 are overweight cash and fixed income. Underweight  
12 real assets and liquid diversifying. Nothing is  
13 that far off target.

14 So I think then that concludes the  
15 investment report.

16 CHAIRMAN FORTUNA: Any questions,  
17 trustees?

18 MEMBER MCPHILLIPS: Quick question. This  
19 is for Jackie. Jackie, are you noticing any  
20 substantial lag in the tax receipts for that second  
21 payment compared to other years?

22 MS. VLAHOS: It's difficult to say  
23 because I know that they have given a little bit of  
24 an extension for payments due. So I believe that

1 extension, Reshma can correct me, is it October  
2 1st? I am not sure if she is on here. I believe  
3 that the extension to be considered not late is  
4 October 1st.

5 So normally, obviously, in the past the  
6 due date was the due date. I mean, normally we  
7 would see receipts in August where this year we  
8 have not seen receipts in August yet.

9 MEMBER SONI: That's right, I'm sorry for  
10 the delay. But we have gotten confirmation the  
11 bills will go out the end of August. We are  
12 looking at the October 1st date as Jackie  
13 mentioned.

14 Whatever we receive before that, of  
15 course, we will be sending out to the Fund. We are  
16 hoping that a lot of the property taxes are in  
17 escrow so as soon as those bills go out we'll start  
18 seeing the cash flow coming in in September.

19 MEMBER MCPHILLIPS: Thank you, very much,  
20 Trustee Soni.

21 CHAIRMAN FORTUNA: Thank you.

22 Any other questions?

23 Hearing none.

24 Can I get a motion to accept the

1 Investment Committee Report, please?

2 MEMBER MCPHILLIPS: Motion to spread the  
3 Investment Committee Report on the record. Do I  
4 have a second?

5 MEMBER MURPHY: Second.

6 CHAIRMAN FORTUNA: There's a motion by  
7 Trustee McPhillips. Seconded by Trustee Murphy.  
8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Moving on to  
19 Expenditures, Item 7. Motion to approve the  
20 Administrative Expenses as presented is in  
21 BoardPac.

22 MEMBER SHERIDAN: Second.

23 CHAIRMAN FORTUNA: Motion to accept by  
24 Trustee Murphy. Seconded by Trustee Sheridan.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Moving to Item 8,  
12 Executive Director's Report. Kelly, please take it  
13 away.

14 MR. WELLER: Thank you, very much.

15 The first thing I'd like to do is hear  
16 the fiduciary management liability presentation.

17 What we should have on the screen for  
18 everyone to see is Craig and Jake's presentation on  
19 the fiduciary management liability insurance.

20 Craig, why don't I turn it over to you?  
21 We will walk through it and then we will address  
22 any questions that may arise.

23 MR. GOESEL: Thank you, Mr. Weller. My  
24 name is Craig Goesel. I am joined by my colleague

1 Jake Jemmi as well. We represent Alliant  
2 Insurance. You might hear the name Mesirow  
3 Insurance associated with that. We were purchased  
4 by the Alliant group about four years ago. I have  
5 not changed seats or jobs. We are now affiliated  
6 with the Alliant company.

7 We are here to talk about what I will  
8 call the management liability. The most important  
9 item to the trustees that I am speaking to right  
10 now is the fiduciary liability insurance.

11 I recognize you're going overtime so I  
12 will probably talk fast and I will pause for a  
13 couple of questions after I make my presentations.  
14 But, by all means, please do interrupt me with any  
15 questions as I go through this presentation.

16 First of all, thank you, ladies and  
17 gentlemen of the board and staff, counsel,  
18 et cetera for having me.

19 I am going to ask Kelly to go through a  
20 couple of slides here just so we can hit the  
21 highlights, if you don't mind.

22 To that point, Kelly, if you would go to  
23 my slide 6. But why don't we slide through this,  
24 go ahead and go through slide by slide. I know

1 your slides I think are different numbers. No,  
2 they are not. There you go.

3 First and foremost, we act as a  
4 procurement officer or procurement office for your  
5 funds.

6 We do send this submission material out  
7 to every insurance carrier that offers fiduciary  
8 liability insurance to public pension funds.

9 As you can imagine, that world is  
10 limited. There is a very finite number of carriers  
11 that offer this insurance in the first place to any  
12 fund. And with the funding challenges I will call  
13 it with Illinois, and particularly with Chicago  
14 funds, there is even fewer carriers that are  
15 interested in offering insurance to the Chicago  
16 Firemen's Annuity Benefit Fund.

17 With that said, we still continue to send  
18 all of that information out to the universe of  
19 carriers that offer the coverage.

20 Move one more slide, Mr. Weller, if you  
21 would.

22 We summarize the carriers responses  
23 herein. As you can see, most of them take a hard  
24 and fast and very quick pass on the opportunity.



1 Mostly with regard to funding levels. Sometimes  
2 with regard to what is called headline risk being a  
3 Chicago Fund.

4 We do have two carriers that continue to  
5 be interested in your program. You may recall,  
6 those trustees anyway that were on this call last  
7 year in August and unfortunately again in  
8 September, you will recall we had quite a snafu in  
9 that I had delivered a relatively favorable renewal  
10 in August of 2020. And between August and when  
11 this program expires, which is the end of  
12 September, 9-30 to be exact, the insurance carriers  
13 got more skittish and pulled their quotes and we  
14 had to reconfigure and rebid and re-quote and  
15 re-present the program in September.

16 We are not having that same drama this  
17 year. Let's continue to knock on wood on that. We  
18 did get the same carriers that finally quoted and  
19 did bind the program last year to re-up their  
20 offerings and do it with no changes of coverage,  
21 unless we specifically want to change the limit  
22 profile. Only a minimal change in pricing.

23 So that is a quick snapshot of the  
24 marketing efforts as well as the market responses.

1           The next slides, slides 8 through 12,  
2 talk about the coverage nuances. I am going to ask  
3 for a moment to skip to slide 13 in this  
4 presentation, Kelly. Thank you.

5           A quick summary on the slides that I  
6 basically just went through very quickly or that we  
7 just passed, I know counsel will appreciate this.  
8 Other than if we decide collectively as a group to  
9 choose a different limit profile, there have been  
10 no changes in coverage since last year's  
11 presentation. There have been no restrictions in  
12 coverage, no additional endorsements added by these  
13 carriers, no reduced coverage from what was bound  
14 last year.

15           As you can see on slide 13, the first  
16 column, if you will, is a quick summary of the  
17 provision I am referring to. That expiring column  
18 obviously references the coverage that we have  
19 currently. We have a \$10 million annual aggregate  
20 limit of liability that is shared among all of the  
21 trustees as well as staff, including the Executive  
22 Director, et cetera.

23           The retention is basically a fancy word  
24 for deductible. That is the deductible that would

1 be borne by the system, not by any individual.

2           If there is a claim that is made against  
3 -- I will drag Mr. Kelly's name through the mud,  
4 unfortunately. If he has a claim against him and  
5 somehow personal liability is assessed, there is no  
6 deductible to be paid by Kelly. In that case there  
7 would be a zero deductible. But any claim that  
8 would be indemnified by the system itself would  
9 bear a \$100,000 deductible, unless otherwise  
10 referenced.

11           The price tag on that \$10 million of  
12 coverage is about \$152,000 on an annualized basis.

13           Two callouts I will have within that  
14 coverage. If there is a claim -- I will continue  
15 to use Kelly's good name and slander him,  
16 unfortunately. If there is a claim against Kelly,  
17 again using him as an example, for failing to fund  
18 the system, there would continue to be defense  
19 costs for that claim. Defense only but only up to  
20 \$4 million of coverage, not the \$10 million of  
21 insurance. That \$4 million is what is called a  
22 sublimit or a part of that \$10 million profile.  
23 That funding, because of the funding ratio of Fire  
24 Fund, is clearly one of the main issues that the

1 insurance carriers are so skittish about.

2 We were able to build in \$4 million of  
3 defense coats, that remains. That was unexpiring  
4 and we do have an option to renew that.

5 And then also a sublimit or a part of  
6 that \$10 million is coverage for what is called  
7 employment practices. We will refer to those as  
8 Title 7 type breaches. That is wrongful  
9 termination, sexual harassment, discrimination  
10 based on sex, gender orientation, race, et cetera,  
11 et cetera. All right.

12 We have four options to renew this  
13 program. The only differences between them relate  
14 to the limit profile.

15 Option 1 is a \$3 million limit. Option 2  
16 is a \$5 million limit. Option 3, which is your as-  
17 expiring renewal limit of \$10 million of program  
18 and then Option 4 which is an additional \$5 million  
19 of coverage making it a \$15 million program all in.

20 My recommendation is to stay the course  
21 with your current limit profile, which is \$10  
22 million. Therefore, my recommendation is Option 3.  
23 This is reflecting just shy of a 4.4 percent  
24 increase in total spend, which is just shy of a

1 \$159,000. Again coming off a \$152,000 program.

2 I am suggesting we make no changes to the  
3 carriers, the coverage or the limit profile.

4 I am going to take a pause and then I  
5 will talk about benchmarking for a moment and then  
6 setting expectations for another coverage called  
7 cyber liability which doesn't expire for another  
8 couple months.

9 MS. BURNS: Just to be clear, Craig, no  
10 changes to the substantive provisions of the policy  
11 from the levels and the types of coverage that were  
12 available last year?

13 MR. GOESEL: Correct, counsel. If we go  
14 with Option 3, that is accurate.

15 MS. BURNS: Again, based on your  
16 expertise, you're recommending to the Board Option  
17 3?

18 MR. GOESEL: Correct.

19 MS. BURNS: Thank you.

20 MR. WELLER: Trustees, are there any  
21 questions on the fiduciary management liability  
22 before I turn it back over to Craig on what it is  
23 we're looking at? A 4 percent, roughly 4.4 percent  
24 increase, year-over-year.

1           It is the insurance market. We did have  
2           an extraordinary year for a lot of the things that  
3           were going on out there. I am not particularly  
4           surprised by it but it is an increase of 4 percent  
5           and staff would recommend also that Option 3 be the  
6           program that we move forward with.

7           MEMBER MCPHILLIPS: Quick question for  
8           Fund counsel. On the timing of this, is it your  
9           recommendation we vote on this today, if we're  
10          comfortable with the option?

11          MS. BURNS: Yes, sir. It's up to you,  
12          obviously, whatever the Trustees want. If you are  
13          comfortable doing it today, we would be able to get  
14          this coverage placed so there is no gap in coverage  
15          and then Craig will be back to you on the cyber  
16          insurance which you can vote on next month.

17          MEMBER MCPHILLIPS: I'd like to make a  
18          motion to accept Option 3 as presented by Craig  
19          from Alliant.

20          Thank you, Craig.

21          MEMBER MURPHY: Second.

22          CHAIRMAN FORTUNA: Okay. There is a  
23          motion by Trustee McPhillips. Second by Trustee  
24          Murphy.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MR. WELLER: I have asked Craig to spend  
12 a little bit of time going through our cyber  
13 liability. This is something that gives me concern  
14 as I look out over the world that we live in,  
15 especially with a lot of cyber issues that we see  
16 coming up essentially every day. At T-Mobile would  
17 be a relevant example.

18 What I have asked Craig to do is kind of  
19 prepare what he sees in the marketplace. Our cyber  
20 liability policy doesn't expire until 11-30.

21 What the agent would like to do, Alliant  
22 would like to do, is move these policies in line  
23 with the 9-30 renewal so that every year we would  
24 renew on 9-30. We wouldn't have to do this in two

1 separate pieces but for this year we do need to do  
2 it in two separate pieces.

3 With that, Craig, why don't you talk  
4 about the marketplace and some of the experience  
5 you are seeing out of the other plans in Chicago.

6 MR. GOESEL: Excellent, sir. If you  
7 could go to slide 15. So while Kelly is moving the  
8 slides, thank you, very much, the cyber liability  
9 insurance marketplace is in turmoil, that is using  
10 a light term unfortunately.

11 You know why. You have probably seen  
12 headlines maybe even as early as this morning with  
13 regard to locally here CNA as an insurance company,  
14 but the pipeline, the meat processing company.  
15 There is a headline daily. In fact, they are no  
16 longer headlines because they are so far back in  
17 the newspaper anymore because they have become  
18 standard protocol.

19 These claims and this claim activity,  
20 mostly with regard to cyber extortion and ransom  
21 demands, are insurable events and are indeed being  
22 absorbed by the insurance carriers.

23 The insurance carriers are completely  
24 unprofitable in this line of business and because



1 of it as you can imagine drastic changes are  
2 happening with regard to coverage.

3 We have been relatively successful in  
4 getting renewals for large state funds, large  
5 county funds and some of your colleagues as well.

6 Every day that goes by and every week  
7 that goes by, the insurance marketplace gets worse.

8 The fact that your program comes up after  
9 Thanksgiving, so we are still far ahead of it,  
10 gives me great concern that the prices and  
11 deductibles are going to go up.

12 So here's a quick slide of what my  
13 expectations are. I fully recognize this is not  
14 talking about personal liability here, the  
15 fiduciary is.

16 I think Kelly really just wanted to kind  
17 of set expectations that we are going to be looking  
18 at significantly different deductibles and  
19 significantly different pricing on a percentage  
20 basis.

21 Your expiring program is \$1 million  
22 annual aggregate limit of liability. You have a  
23 \$25,000 deductible as it stands right now and you  
24 are spending about \$10,000. Even at the current

1 limit profile, if we were to just renew the \$1  
2 million program, I am expecting the deductible to  
3 be four times at least what it is right now.  
4 Moving up to \$100,000 deductible. I am still  
5 expecting probably a 50 percent increase.

6 I know the dollars we are talking about  
7 here are not going to make or break anyone's  
8 budget. 50 percent increase on top of 10 is only 5  
9 grand but those are the kind of percentage numbers  
10 that we are seeing across, not only public pension  
11 funds, but frankly for corporate America.

12 The other piece I wanted to bring up, as  
13 I told Kelly, I did want to explore higher limit  
14 options for this fund as well. Some of your  
15 colleagues already have a \$2 million profile.

16 And with the amount of data that Fire  
17 Fund has, I would be much more comfortable if you  
18 had a double limit profile. That, of course, is  
19 going to cost money. I quickly put a hash tag here  
20 indication give or take \$25,000 for a \$2 million  
21 number.

22 Again, this has not been negotiated.  
23 These are not firm numbers. I am hoping we will be  
24 able to come in with those numbers. With that

1 said, I suspect I will be able to get those quotes  
2 by your September meeting and definitely before the  
3 November effective date.

4 Again, just wanted to set the  
5 expectations with staff and trustees that this  
6 marketplace is very, very poor and we do expect  
7 some pretty hefty increases, at least on a  
8 percentage basis for this product line.

9 MR. KELLER: Craig, I think that is  
10 exactly what I wanted the Trustees to be prepared  
11 for.

12 I also want to let the Trustees know that  
13 we did complete the cyber liability renewal piece  
14 of it, that has been submitted. We were very  
15 conscious of the questions these carriers, Beazley  
16 in particular, was asking us about our systems.

17 We're constantly -- and I've got our IT  
18 manager in the room with me now, many of you can  
19 see, some can't. But we are analyzing what we are  
20 doing. We have already shifted some of the -- what  
21 I would call the traffic, email traffic, that we're  
22 sending that has personal information. We switched  
23 to a new encryption system. Chris is working on  
24 security systems in the Cloud.

1           We're looking at continually keeping up  
2 the pace on the issues that are driving these what  
3 I would call cyber risks up and I want to make sure  
4 that the Trustees know that we're looking at what  
5 the insurance companies are asking us. We're  
6 building answers and procedures and new ideas to  
7 help address that as we move forward.

8           Technology is one of those things that  
9 just keeps constantly changing on us. We need to  
10 be on our toes. We're not just sitting looking  
11 back at the cyber liability going up. We are also  
12 stepping forward and seeing what can we do to  
13 protect our data and what can we do to protect our  
14 membership. That is one of the things that I want  
15 you to feel confident that we're looking at and  
16 we're proceeding with appropriately.

17           With that, Craig, you're welcome to stay  
18 on, if you would like, and hear the rest of my  
19 report.

20           Let me first ask is there any questions  
21 that any of you might have for Craig on the cyber  
22 piece of this before I let him go?

23           MEMBER MCPHILLIPS: No. Craig, I thought  
24 that was a great job. Craig, very quick. Thank

1 you.

2 MR. KELLER: With that, Craig, you and  
3 Jake are welcome to drop off.

4 MR. GOESEL: I will take your invite.  
5 Thank you, very much.

6 MR. KELLER: I am going to go down my  
7 list here and just talk about some of the things  
8 that have happened in the last month. Open it up  
9 for questions on any of the items that we are going  
10 through.

11 There was a legacy item about banking  
12 services about taking control over our banking  
13 services and removing that control from the City of  
14 Chicago.

15 We are moving forward with that request  
16 that the Board put forward I think in 2019  
17 pre-Covid. So the novation letter was signed  
18 yesterday, day before, to start the process of  
19 moving those accounts.

20 Jackie and her team are coordinating with  
21 the City. We should get that hopefully done in the  
22 next 15 to 30 days. I would see that that transfer  
23 would occur.

24 The City has been very gracious in their

1 first discussion with us into keeping the fees that  
2 were associated with those accounts to the end of  
3 the year so we can appropriately budget for them  
4 next year since they are technically kind of built  
5 in to the balances that we hold with the City. So  
6 the City is going to help us come up with a budget  
7 plan and have a realistic number of what we should  
8 expect for banking fees as we move forward. That  
9 piece is virtually done and I think we should have  
10 the loop closed certainly by the end of the year.

11 Great news on our last piece of our  
12 audit. Mitchell Titus came in and on August 5th,  
13 meeting the deadline that was required, gave us a  
14 full report on our compliance with the Illinois  
15 Department of Insurance Rules and Regulations.

16 I am happy to say Jackie and her team and  
17 the benefits team did a great job. We had  
18 absolutely no exceptions and no findings so kudos  
19 to those two teams for giving us a clean audit and  
20 for it being done and reported on time.

21 The next thing is we had a lingering  
22 issue with the duty availability pay. We believe  
23 we have got all but one individual taken care of in  
24 that and that is a good step. Which we sent out a

1 letter on the 26th of July notifying the affected  
2 members what their payment expectations would be  
3 and a timeline associated with that.

4 Good news is staff has really done a  
5 phenomenal job. And that is Lori, Chris, and  
6 Michelle, in keeping that expedited. We think  
7 you're going to see those numbers in front of the  
8 Board for September approval and September payment.

9 Again, that is a month ahead of our  
10 timeline but that is what I am being indicated at  
11 this point in time. Another kudos to the staff for  
12 keeping that moving forward.

13 Election deliverables to-date.  
14 Everything has been met. We have nothing pending.  
15 August 31st will be our next date where we get the  
16 eligible voter roles and then the statement of  
17 candidacy will be due on September 7th through  
18 September 10th as per our rules.

19 Good movement there and nothing really to  
20 report, other than we are meeting our deadline.

21 We have had several meetings internally  
22 about Public Act 102-0091 and what I have done is  
23 put together a quick overview for the Trustees to  
24 look at so that you got an understanding of what

1 the bill does, what it potentially does to this  
2 Fund, and some of the decisions that this Board  
3 might have to make as a result of that.

4 If the President will allow me, I would  
5 like to put up a presentation and perhaps walk  
6 through that and give you some more information.

7 This act passed in July. It is a  
8 relatively new act. As I have mentioned, we have  
9 met several times internally. And the President,  
10 our legal representatives and myself, met with the  
11 Commissioner and their legal team, to kind of vet  
12 what we were seeing in the statute to discuss some  
13 of the high level ways this bill can be  
14 interpreted.

15 And off of that, I think right now we  
16 have at least an understanding of the way this act  
17 can be interpreted. Let's just talk about it.

18 What this does in general is allows for a  
19 qualifying retiree, and I will give you the notes  
20 for that, to convert a normal retirement annuity  
21 into an Occupational Disability.

22 So somebody retires, up to five years  
23 later, they can potentially convert, if they have  
24 an Occupational disease that would meet the



1       qualifying tests. The qualifiers on this are that  
2       the member cannot have reached the compulsory  
3       retirement age of 63. As you all know, paramedics  
4       do not have a compulsory retirement age so this is  
5       something we are going to have to contemplate in  
6       our rule making. Has not received a retirement  
7       annuity for more than five years. It is a rather  
8       narrow retrospective pool and when we put the  
9       prospective on it five years after retirement is as  
10      far as the member can go. And the condition would  
11      qualify for an Occupational disability.

12                 And I am not going to go over those in  
13      particular. You just dealt with those in this  
14      meeting.

15                 I do want to point out the delicateness  
16      with which the doctors and the questions that we  
17      are going to have to kind of be able to understand  
18      is when did these conditions develop and when did  
19      they manifest themselves.

20                 A retiree, obviously, a condition could  
21      certainly manifest itself after retirement. The  
22      debate is going to be when did it develop? The  
23      question mark is going to be in service?

24                 I don't know how the doctors and how the

1 folks are going to interpret this but I want to  
2 point out certainly a question that this Board is  
3 going to have to weigh in as you start going  
4 through the hearings that potentially can be the  
5 result of this.

6           CFD Medical has been very upfront that  
7 they will provide us what information they can. I  
8 thought that was a really good first step on our  
9 part in that they would get us timely information  
10 even for members that might have been gone for up  
11 to five years.

12           The two scenarios that are going to play  
13 out in how this essentially gets handled by this  
14 Board and the key scenario was whether the member  
15 who is applying for this is returned to active  
16 duty.

17           So if the member who is applying for this  
18 Occupational Disability by nature of it being an  
19 Occupational Disability needs to be in service.  
20 Will the City or the CFD put this employee back  
21 into active service?

22           Preliminary indications, and I am not  
23 going to speak for either team, but preliminary  
24 indications are that is probably not the most

1 viable option in the City putting these employees  
2 back into active service.

3 What is more likely to happen is the  
4 Pension Board is going to be asked to make a  
5 determination about the eligibility of this  
6 Occupational disability.

7 How I can see that playing out as we  
8 would be the hearing. This Board would provide the  
9 necessary hearing for that Member.

10 After that many discussions and many  
11 questions are going to have to be addressed as to  
12 how we actually treat the member in terms of the  
13 benefits and the widow or survivor's benefit and  
14 what would happen in compulsory retirement.

15 All of those right now we are thinking  
16 about but they are driven by these two overarching  
17 determinations as to whether the employees will be  
18 returned to active service by CFD or whether we  
19 just make a finding at a hearing that they are  
20 occupationally disabled.

21 Based on our legal advice that we have  
22 been given, we needed to put together some thought  
23 around timeline and how we are going to apply this  
24 and this is kind of a rough, and I want to make

1 sure it is understood that is rough and subject to  
2 revision, but here's what we are thinking.

3 All through July we have met. All  
4 through August we have met. We anticipate if there  
5 is decisions that have to be made by this Board and  
6 how we're going to interpret certain rules or how  
7 we are going to apply certain rules and how they  
8 should be interpreted, I would like to see them in  
9 front of this board in September, that could happen  
10 in October. But our timeline is earlier rather  
11 than later in this particular situation. Because  
12 if we do get some kind of application or notice of  
13 intent process setup, I'd like to have that known  
14 in October so that we can get a sense for how many  
15 hearings we potentially will need.

16 We are going to need about 90 days to  
17 orchestrate that hearing schedule with our case  
18 managers and our doctors and we're going to need  
19 some additional time to do the necessary program  
20 and changes in the benefit calculations systems  
21 that we use.

22 All of that, if we keep this moving, we  
23 would see that fall period be the time that we  
24 would begin to implement that with our first

1       hearings potentially in January.

2                       So that would be where we see the first  
3       hearings come out and application for that  
4       prospectively.

5                       Any questions on timeline? Any concerns  
6       there?

7                       MEMBER SHERIDAN: I just have a question.  
8       Would we have to vote, as we did on the firefighter  
9       who is receiving ordinary disability, do we have to  
10      meet and vote for them to be returned to full  
11      active status and then vote on whether or not they  
12      get Occupational?

13                      MS. BURNS: If I may answer that from a  
14      legal perspective. Only the employer, the Chicago  
15      Fire Department, makes the decision as to whether  
16      or not the Paramedic, Firefighter, is active or  
17      not. You will never vote on that. You will only  
18      be asked to vote on what is in the Illinois Pension  
19      Code, which is does the individual have an  
20      Occupational Disability that keeps them from  
21      performing their assigned duties.

22                      So, somebody could be saying they are on  
23      Occupational, you may determine they could perform  
24      their duties so you would deny them the right to

1 receive that new legislative benefit, without  
2 regard to whether they are active or not. In other  
3 words, if you thought they could do the job they  
4 would have to stay retired. Does that answer your  
5 question, Trustee Sheridan?

6 MEMBER SHERIDAN: Yes.

7 MR. KELLER: We were also asked by our  
8 legal team to kind of put together some high level  
9 concerns that we thought the Trustees should be  
10 aware of as well as the impact that we could  
11 potentially see from this.

12 We engaged our actuary Segal to help us.  
13 They did not do a full scale study but they did  
14 give us some substantiation to the same set of  
15 numbers that we came up with. I think these are a  
16 fair representation but an estimate on exact is  
17 just too early to tell. But what we could be  
18 looking at is a retrospective application. There  
19 are 700 members that potentially could avail  
20 themselves to this benefit.

21 We did a broad look at how many  
22 Occupational Disabilities we currently have within  
23 the system. The percentage runs about 6 percent,  
24 right. And then what we asked Segal to do is does

1 that number sound right or wrong? Does it sound  
2 high or low?

3 Segal looked at the Occupational  
4 Disability from an actuarial perspective. And said  
5 the age group between say roughly 50 and 63, we  
6 could be looking at somewhere between a 2 and a 2  
7 and a half percent experience factor.

8 The experience factor actually went down,  
9 that surprised me a little bit. But nonetheless  
10 that is what Segal anticipates us seeing. And with  
11 that you can see the high and the low of the  
12 estimate of who we would think potentially could  
13 avail themselves to the process and actually go  
14 through a hearing.

15 We would think somewhere between 20 to  
16 40, based on a 6 percent factor to a 2 percent  
17 factor. Somewhere in that experience range.

18 We have already had 12 inquiries about  
19 this particular act. So I think the floor as we  
20 would see it now is at least 12 that have expressed  
21 intent at least to have more information. I think  
22 somewhere in that range is where we are going to  
23 see the numbers play out, depending on some other  
24 things that potentially have to be resolved.

1           Not only did this affect us  
2 retrospectively, because then we have to look at  
3 the five years post and apply all of those hearings  
4 at one time. We also think there is a prospective  
5 affect to this and we think that prospective affect  
6 is probably going to be somewhere in the  
7 neighborhood of four to eight a year. Again, based  
8 on those same experience factors.

9           Again, these are best guesses, based on  
10 what we see in the system. But I would think that  
11 is also a reasonable number as we move forward that  
12 we would see at least four to eight perspective  
13 cases a year after we get through the first five  
14 year retro applications.

15           We have some concerns with programming.  
16 I think we are going to talk about that in another  
17 item. It is going to require some new forms and  
18 some new procedures to be laid out internally. We  
19 are handling that. We are moving forward with  
20 that. Right now we are at a point where the  
21 decisions that need to be made haven't been made  
22 yet on how we are going to apply this.

23           We are painting the picture for you I  
24 hope so that you know where this next kind of set



1 of decisions is going to have to be made.

2 And then there is, of course, the five  
3 year limitation issue. We have not put a hard rule  
4 on that. We want to recognize that it is out there  
5 and that we are discussing that and we will have  
6 guidance on when the five year actually starts the  
7 period.

8 Many of you are probably having your  
9 heads swim like our heads swam with staff when we  
10 went through this act at first.

11 The key disclosures, and we're going to  
12 work very, very tightly with our legal team,  
13 because I can't emphasize this enough we don't know  
14 the outcome of both how the bargaining agent and  
15 the employer are going to interpret some of these  
16 pieces.

17 So, as those pieces become known to us,  
18 we will be able to provide more information to this  
19 board. So we don't know what kind of advice we can  
20 provide anybody. Right now all we can tell you is  
21 that we're looking at rules, we are going to  
22 implement rules. We have a timeline to apply them  
23 based on what we have think could be some realistic  
24 decisions to get made now in the next six weeks but

1 we just don't know.

2 QILDROS will be affected just so you know  
3 that. There is obviously some questions there we  
4 are going to have sort out. Health insurance. And  
5 the effects under the collective bargaining agent  
6 to be announced. IRS exemption. That is always  
7 something that we anticipate the IRS is going to  
8 accept this but there is no guarantee that the IRS  
9 is going to say, yeah, we agree with your  
10 interpretation.

11 We have to have disclosures on these  
12 things and we have to have a really good clear  
13 message that we are sending to our membership  
14 because there is a lot of unknowns as we approach  
15 this particular piece of legislation and right now  
16 there is just not a lot of answers that we can  
17 provide.

18 We are committed to studying this, coming  
19 out with a way it's going to make the most sense  
20 for our membership to avail themselves to it and to  
21 provide them a fair hearing with which to move  
22 forward. That is staff's goal and I think that is  
23 our legal team's goal.

24 We will continue bringing this back to

1 the Board. I fully anticipate there is going to be  
2 decisions that you are going to have to make as a  
3 board to help us implement this.

4 That is my overview. Any questions that  
5 I could hit?

6 Wonderful. Hearing none, I am going to  
7 move to the next item.

8 MS. BURNS: I might ask one question of  
9 the trustees. Would it make sense, once Kelly gets  
10 this new legislation implementation plan worked  
11 out, that we have either a hearing officer who  
12 might be able to put together files on each of  
13 these individual matters for you that we could  
14 handout ahead of time so you can run through these  
15 more quickly than normal? In other words, put  
16 together the evidence and sort of a proposed  
17 findings of fact and conclusions of law.

18 The other thing is maybe the Board  
19 hears all of the applicable matters on one day.  
20 Because if we start trying to add these "hearings"  
21 to our board meetings, you are already sitting here  
22 for four hours today.

23 Think about that, how we can help you  
24 with your schedules. Again, I do think once you

1 cleanup the backlog, then going forward, to Kelly's  
2 point, there won't be very many.

3 I will work with maybe the Board's  
4 Secretary, if that works, to see if there is a way  
5 we can do it.

6 MR. WELLER: Just when we think we have  
7 one piece of legislation resolved that we are  
8 beginning to walk through, we have got another one.

9 Public Act 102-0293. Look for that in  
10 BoardPac. I don't want to spend a lot time on  
11 this. This essentially fixes the fix at 63 issue  
12 that affected paramedics. There is some other  
13 impact that we're still waiting to get a legal kind  
14 of thorough review on and whether we have got some  
15 guidance from our lobbyist that there was some kind  
16 of statements that were prepared whenever they  
17 passed the legislation.

18 I will put out a position piece on this  
19 so that you know kind of what it does and how it  
20 should impact us.

21 Education. I know that Callan has put in  
22 BoardPac, the Callan Institute is having their  
23 Callan College in October. October 6th and 7th I  
24 believe is the virtual. There is a later one. I

1 think maybe the 26th to the 28th. I didn't quite  
2 have it all written down here.

3 Both of those through our relationship  
4 with Callan would be available for our Trustees to  
5 attend without charge.

6 I will put those on an agenda for  
7 approval in September.

8 There is also another conference that was  
9 brought to me a little bit late. We will get it on  
10 the agenda, that way you can approve it all at once  
11 in September.

12 With that, two quick personnel items and  
13 I will get through these quick. I understand I  
14 need to.

15 We have an item that we have all  
16 discussed on a phone poll. I know I have talked to  
17 everybody who is on this call. It essentially  
18 involves a 4 percent merit rise for one of the  
19 employees on our staff, that was in the  
20 affirmative. I had no one who did not agree with  
21 that so we, as staff, will push forward with that  
22 merit increase as we discussed.

23 Also, we are moving our receptionist from  
24 part-time to full-time so we will start that again

1 at September 1st.

2 We do have one item that I think because  
3 it does have impact on the Budget for 2021 and will  
4 have some impact on 2022.

5 As you know Marc Torres left. With his  
6 departure, we had an open position in IT. Chris  
7 and I and Lori sat down and talked about what our  
8 needs were as we look forward and the consensus was  
9 that we wanted a job that bridged the IT Analyst  
10 position that we currently had and expand that into  
11 a Database Programmer role that was requiring some  
12 more sophistication in the actual programming side  
13 and some data management and data maintenance.

14 With that, we wrote a new job  
15 description. We posted that in handshake, which  
16 went to all of the Universities here in Chicago as  
17 well as we posted it on LinkedIn.

18 We have gotten over ten responses so far  
19 so we look good.

20 My ask here is because this is a position  
21 that is taking on more roles than the IT Analyst,  
22 the range that we expect an ideal employee to seek  
23 is probably somewhere between the 65 to 75 range  
24 and that is about 10,000 higher than the range we

1 currently have for the position.

2 So I don't want to put a minimum on this  
3 because I don't know what kind of candidate  
4 ultimately we will end up. What I would like to  
5 see us as a board approve is that we raise the  
6 maximum up to 75,000 so that we can seek the most  
7 qualified candidate to fill this role.

8 Again, that is the range, that's not  
9 where we are going. But I would like to at least  
10 have that flexibility should we find a candidate  
11 that meets all of our requirements.

12 With that, I would just ask for a motion  
13 to accept that upper range.

14 MEMBER MURPHY: Based on the  
15 recommendation of our Executive Director, I move to  
16 approve the personnel compensation outlined by the  
17 Executive Director.

18 CHAIRMAN FORTUNA: There is a motion by  
19 Trustee Murphy.

20 MEMBER MCPHILLIPS: Second.

21 CHAIRMAN FORTUNA: Seconded by Trustee  
22 McPhillips.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.

2 MEMBER SHERIDAN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee McPhillips.

6 MEMBER MCPHILLIPS: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MR. KELLER: Thank you.

10 Two last things. Is there anybody at  
11 this point in time that will not be able to make  
12 the September 15th board meeting? Of the five that  
13 I have is anybody a hard no?

14 CHAIRMAN FORTUNA: Everybody is a hard  
15 yes.

16 MR. KELLER: And then the last item is  
17 the President had asked me that we may need to  
18 convene a Legislative Committee and we will have  
19 more information on that if that happens before  
20 September 15th but there's been a lot of activity  
21 in that area.

22 With that, that concludes my report.

23 CHAIRMAN FORTUNA: Motion to accept the  
24 Director's Report?



1 MEMBER MURPHY: Motion.

2 MEMBER MCPHILLIPS: Second.

3 CHAIRMAN FORTUNA: Motion by Trustee

4 Murphy. Seconded by Trustee McPhillips.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Soni.

10 MEMBER SONI: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving to Legal. Mary

16 Pat, anything you want to present?

17 MS. BURNS: No, sir, there is nothing on

18 Legal that needs to be reported.

19 We are deferring the matter regarding the

20 request under 6-213. You will recall we were

21 looking for additional information and that

22 information hasn't been provided.

23 MEMBER MURPHY: I would like to make a

24 motion to adjourn today's meeting.

1  
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MEMBER SHERIDAN: Second.

CHAIRMAN FORTUNA: Motion to adjourn.

All in favor?

(Chorus of ayes.)

CHAIRMAN FORTUNA: Thank you, everyone,  
very much.

(WHICH WERE ALL THE PROCEEDINGS  
IN THE ABOVE-ENTITLED MEETING  
AT THIS DATE AND TIME.)

1 STATE OF ILLINOIS )  
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2 COUNTY OF DU PAGE )

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DEBORAH TYRRELL, being a Certified Shorthand Reporter, on oath says that she is a court reporter doing business in the County of DuPage and State of Illinois, that she reported in shorthand the proceedings given at the taking of said cause and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid; and contains all the proceedings given at said cause.

*Debbie Tyrrell*

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DEBBIE TYRRELL, CSR  
License No. 084-001078

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BEFORE

THE RETIREMENT BOARD

FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF )  
INVESTMENT COMMITTEE )

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 August 31, 2021, commencing at the  
hour of 9:30 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

MARY SHERIDAN, Active Trustee

RESHMA SONI, City Comptroller

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.  
BY: MS. SARAH A. BOECKMAN

ALSO PRESENT:

KELLY WELLER, Executive Director  
LORNA SCOTT, Chief Investment Officer  
JACLYN VLAHOS, Comptroller  
JOHN CONNESS, Fund Accountant  
MARK MYSLINSKI, City Treasurer's Office



1                   CHAIRMAN MCPHILLIPS: I hereby convene  
2 this Investment Committee meeting for August 31,  
3 2021.

4                   Public Act 101-0646 and the Governor's  
5 recent Disaster Proclamation dated August 20, 2021  
6 allows this meeting to be conducted by audio and  
7 video conference. The Act requires a roll call  
8 vote on each matter acted upon.

9                   We are proceeding by video conference  
10 because we continue to believe that due to the  
11 pandemic it is prudent to not be physically present  
12 in the same space. We have posted notice of this  
13 meeting in accordance with the Open Meetings Act  
14 and the meeting is being recorded. A transcript of  
15 the proceedings will be prepared and ultimately,  
16 after approval, will be made available on the  
17 Fund's website.

18                   I will also note that this meeting is  
19 solely focused on educational investment matters  
20 and we will not be taking any action. As Trustees  
21 know, we are required to fulfill the annual  
22 training requirements under Section 1-113.18 of the  
23 Illinois Pension Code.

24                   I would like to thank Lorna for

1 organizing this educational session and I will now  
2 turn things over to her to proceed through the  
3 posted agenda. Thank you, Lorna.

4 MS. BOECKMAN: Lorna, would you mind,  
5 just for purposes of the record, if we do a roll  
6 call?

7 MS. SCOTT: Yes, we can do that,  
8 absolutely.

9 Trustee McPhillips.

10 MEMBER MCPHILLIPS: Here.

11 MS. SCOTT: Trustee Soni.

12 Trustee Murphy.

13 MEMBER MURPHY: Here.

14 MS. SCOTT: Trustee Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Good morning,  
16 here.

17 MS. SCOTT: Trustee Fortuna.

18 MEMBER FORTUNA: Here.

19 MS. SCOTT: I recognize that Trustee Mary  
20 Sheridan has also joined us. For the record, if  
21 you want to say you are here, Trustee Sheridan,  
22 that would be great.

23 MEMBER SHERIDAN: Good morning. I am  
24 here.

1 MS. SCOTT: Looking at the agenda, we  
2 have a Private Credit education session and then we  
3 have three presentations by fixed income managers.

4 Our Private Credit education session is  
5 being presented by Callan so I will turn it over to  
6 Brady to take us through that.

7 (Brady O'Connell and Catherine Beard  
8 from Callan gave a presentation.)

9 MEMBER MCPHILLIPS: Before we begin the  
10 presentations from our managers relating to our  
11 Fixed Income allocation, I would like to make a  
12 motion to go into Executive Session pursuant to  
13 Section 2(c)7 to discuss specific investment  
14 contracts. Could I get a second?

15 MEMBER MURPHY: Second.

16 MEMBER MCPHILLIPS: Lorna, can you  
17 conduct the roll call?

18 MS. SCOTT: Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 MS. SCOTT: Trustee Conyears-Ervin.

21 MEMBER CONYEARS-ERVIN: Yes.

22 MS. SCOTT: Trustee Fortuna.

23 MEMBER FORTUNA: Yes.

24 MEMBER MCPHILLIPS: Motion passes. We

1 will now proceed in closed session.

2 (Whereupon, the Board went into  
3 Executive Session off the record.

4 Member Soni joined the meeting.

5 Presentations were made by:

6 Chris Fitze and Ralph Saturne with

7 Earnest Partners;

8 Brian Kennedy and Stephanie Lord

9 with Loomis Sayles;

10 Travis Carr and Frances Coombes with

11 Western Asset Management.

12 No action was taken in Executive

13 Session.)

14 MEMBER MCPHILLIPS: Now on to the Public

15 Comment portion of the agenda. Consistent with

16 Public Act 91-0715 and reasonable constraints

17 determined by the Board of Trustees, at each

18 regular meeting of the Board or its Committees that

19 is open to the public, members of the public may

20 request a brief time to address the Board on

21 relevant matters within its jurisdiction.

22 Are there any requests for public comment

23 today?

24 Hearing none, we will move on.

1                   Is there any old business to discuss  
2                   today? Any new business?

3                   Is there a motion to adjourn today's  
4                   meeting.

5                   MEMBER MURPHY: Motion to adjourn.

6                   MEMBER MCPHILLIPS: I will second that.

7                   All in favor?

8                   (Chorus of ayes.)

9                   MEMBER MCPHILLIPS: Thank you, everyone,  
10                  for your time.

11

12                  (WHICH WERE ALL THE PROCEEDINGS

13                  IN THE ABOVE-ENTITLED MEETING

14                  AT THIS DATE AND TIME.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF DU PAGE )  
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5

6 DEBORAH TYRRELL, being a Certified Shorthand  
7 Reporter, on oath says that she is a court reporter  
8 doing business in the County of DuPage and State of  
9 Illinois, that she reported in shorthand the  
10 proceedings given at the taking of said cause and  
11 that the foregoing is a true and correct transcript  
12 of her shorthand notes so taken as aforesaid; and  
13 contains all the proceedings given at said cause.  
14  
15  
16

17 *Debbie Tyrrell*

18 DEBBIE TYRRELL, CSR  
19 License No. 084-001078  
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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF )  
MEETING NO. 1090 )

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 September 15, 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

MARK MYSLINSKI, City Treasurer's Office

MICHAEL I. PETERS, M.D., Board Physician

1                   CHAIRMAN FORTUNA: I hereby convene this  
2 meeting of the Trustees on September 15, 2021.

3                   Please, roll call.

4                   MEMBER MURPHY: Trustee Valencia.

5                   Trustee Tebbens.

6                   Trustee Sheridan.

7                   MEMBER SHERIDAN: Present.

8                   MEMBER MURPHY: Trustee Soni.

9                   Trustee Conyears-Ervin.

10                  MEMBER CONYEARS-ERVIN: Good morning.

11 Present.

12                  MEMBER MURPHY: Trustee McPhillips.

13                  MEMBER MCPHILLIPS: Here.

14                  MEMBER MURPHY: Trustee Fortuna.

15                  CHAIRMAN FORTUNA: Here.

16                  We have a quorum.

17                  Public Act 101-0640 allows this meeting  
18 to be conducted by audio and videoconference. The  
19 Act requires a roll call vote on each matter acted  
20 upon.

21                  Further consistent with Public Act  
22 101-0640, for the record, I am physically present  
23 at the Fund's office as is Fund Secretary and  
24 Executive Director.

1           We have posted notice of the meeting in  
2           accordance with the Open Meetings Act and the  
3           meeting is being recorded. A transcript of this  
4           proceeding will be prepared and after approval will  
5           be made available on the Fund's website.

6           Also, I note that we have decided to  
7           continue to hold the remote meetings this month due  
8           to the determination that it would not be prudent  
9           to all be physically present in the same space.

10           Let's move to Public Comment. Consistent  
11           with Public Act 91-0715 and reasonable constraints  
12           determined by the Board of Trustee, at each Regular  
13           Meeting the Board or its Committees that is open to  
14           the public, members of the public may request a  
15           brief time to address the Board on matters within  
16           its jurisdiction.

17           Are there any requests for public comment  
18           this morning? If so, please, press star six.

19           MR. QUANE: Mr. Chairman, I'd like to  
20           address the Board.

21           CHAIRMAN FORTUNA: Please, state your  
22           name.

23           MR. QUANE: Patrick Quane.

24           CHAIRMAN FORTUNA: Thank you. Please

1 proceed.

2 MS. BURNS: Mr. Quane, you will have  
3 three minutes.

4 MR. QUANE: Yes, very good.

5 I just want to renew my concern,  
6 obviously, with another newsletter that came out  
7 this week. The only thing that was related to the  
8 Pension Fund was the fact that the member  
9 identified himself as a Pension Board Trustee.

10 My concern with that, obviously, is if  
11 you put out a publication or you identify yourself  
12 as a Pension Board Trustee, does that open up the  
13 Board for liability?

14 We have already seen a lawsuit come out  
15 of information that is put out and I just want to  
16 renew my concern with the Board that anything that  
17 a Trustee puts out, identifies himself as a  
18 Trustee, does that leave us open to liability?

19 We have already spent enough money on  
20 this. It is my understanding that our insurance  
21 company -- our rates are going up on this because  
22 of the litigation that happened.

23 I just want to again renew my concern  
24 about that. I thank you, guys, for your time.

1 CHAIRMAN FORTUNA: Thank you.

2 MEMBER MCPHILLIPS: Any comments?

3 MS. BURNS: Any other public comments?

4 CHAIRMAN FORTUNA: Is there another  
5 public comment? If there is, please press star  
6 six.

7 MS. BURNS: Is Ms. McKay on the phone?  
8 We understand from communication with the Executive  
9 Director that Ms. McKay wanted to make a public  
10 comment.

11 She's not answering.

12 CHAIRMAN FORTUNA: Hearing no more public  
13 comments, Secretary Murphy, let's proceed through  
14 the Agenda.

15 MEMBER MURPHY: Thank you.

16 First, we are going to turn to the  
17 approval of the Administrative Items. The approval  
18 of the Minutes of the Regular Audio Meeting of  
19 August 18, 2021 open minutes; the Regular Audio  
20 Meeting transcript of August 18, 2021; the  
21 Investment Committee Audio Meeting and transcript  
22 of August 31, 2021 open and closed minutes.

23 I'd like to make a motion to approve the  
24 Open Minutes, the audio transcript and the closed

1 session minutes of the August 18, 2021 board  
2 meeting and the August 31, 2021 Investment  
3 meeting.

4 MEMBER SHERIDAN: Second.

5 CHAIRMAN FORTUNA: Motion by Trustee  
6 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 McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Mr. President, moving on  
19 to B, I would like to make a motion to approve the  
20 Minimum Formula Annuities starting with Member  
21 14684 and ending with Member 616123.

22 MEMBER MCPHILLIPS: Second.

23 CHAIRMAN FORTUNA: There is a motion by  
24 Trustee Murphy. Seconded by Trustee McPhillips.

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 McPhillips.

9 MEMBER MCPHILLIPS: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Mr. President, I would  
13 like to make a motion to approve the Earned Annuity  
14 for Member 17574.

15 MEMBER SHERIDAN: Second.

16 CHAIRMAN FORTUNA: There is a motion by  
17 Trustee Murphy. Seconded by Trustee Sheridan.

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 McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 MEMBER SONI: Good morning. This is  
6 Reshma. I just wanted to say that I am in  
7 attendance.

8 CHAIRMAN FORTUNA: Good morning.

9 MEMBER MURPHY: Mr. President, moving on  
10 to Item C, I would like to make a motion to approve  
11 the Widow's and Children's Annuities starting with  
12 Member 09058 through Member 10332.

13 MEMBER CONYEARS-ERVIN: Second.

14 CHAIRMAN FORTUNA: There is a motion by  
15 Trustee Murphy. Seconded by Trustee Conyears.  
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 McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 MEMBER MURPHY: Under Item D, Refunds, I  
6 would like to make a motion to approve Refunds  
7 starting with Member 17620 through Member 19065.

8 MEMBER SONI: Second.

9 CHAIRMAN FORTUNA: Motion by Trustee  
10 Murphy. Seconded by Trustee Soni.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee  
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Under Item E, Death

1 Benefits. I move to approve the Death Benefits  
2 starting with Member 0905 through Member 15173.

3 MEMBER CONYEARS-ERVIN: Second.

4 CHAIRMAN FORTUNA: There is a motion by  
5 Trustee Murphy. Seconded by Trustee  
6 Conyears-Ervin.

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 McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Moving on to Item F,  
21 Partial Payments. I move to approve the Partial  
22 Payments beginning with Member 06885 and continuing  
23 through Member 10332.

24 MEMBER SONI: Second.

1 CHAIRMAN FORTUNA: Motion by Trustee  
2 Murphy. Seconded by Trustee Soni.  
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: And I am a yes.  
15 Motion carries.  
16 MEMBER MURPHY: Under G, Benefit  
17 Recalculations. There are a number of Benefit  
18 Recalculations this month. An addendum setting  
19 forth the Benefit Recalculations is attached in the  
20 Board materials as Addendum I through Addendum V.  
21 Unless there is an objection from a  
22 Trustee, I move to approve the Benefit  
23 Recalculations for the retro payments as shown on  
24 Addendums I through V.

1 MEMBER MCPHILLIPS: Second.

2 CHAIRMAN FORTUNA: There is a motion to  
3 approve. Seconded by Trustee McPhillips.

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: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Item H, Requests for  
18 Permission. There is one request for Guardianship  
19 for Member 09058. Staff has represented that the  
20 required doctor's letter and Power of Attorney are  
21 on file and in proper order. Based on the staff's  
22 recommendation, I make the motion to approve.

23 MEMBER SHERIDAN: Second.

24 CHAIRMAN FORTUNA: Motion to approve 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 McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: There is one request to

16 reside of state for Member 14442. I make the

17 motion to approve.

18 MEMBER CONYEARS-ERVIN: Second.

19 CHAIRMAN FORTUNA: Motion to approve by

20 Trustee Murphy. Seconded by Trustee

21 Conyears-Ervin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Under Item I, Removals, I  
12 make a motion to approve the Removals starting with  
13 Eugene Herman and ending with Alyssa Milton.

14 MEMBER SHERIDAN: Second.

15 CHAIRMAN FORTUNA: There is a motion for  
16 Removals by Trustee Murphy. Seconded by Trustee  
17 Sheridan.

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 McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Under Item 3, Payments  
8 Pursuant to Administrative and Court Orders. I  
9 would like to make a motion that the Administrative  
10 and Court Orders listed in the docket for Member  
11 01123 be approved, based on the staff's  
12 representation that the required paperwork is in  
13 order.

14 MEMBER SONI: Second.

15 CHAIRMAN FORTUNA: There is a motion by  
16 Trustee Murphy. Seconded by Trustee Soni.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: Yes.

21 CHAIRMAN FORTUNA: Trustee  
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.



1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 MEMBER MURPHY: Mr. President, moving on  
7 to Item 4 is consideration for disability  
8 applications.

9 Vince, are we ready?

10 MR. PINELLI: Yes. Good morning, Mr.  
11 Secretary.

12 The first hearing is Mr. Howe. I don't  
13 know if he's on the line yet. If he is, could you  
14 indicate that, Mr. Howe?

15 MR. HOWE: Good morning.

16 MR. PINELLI: Then we are ready to  
17 proceed, Mr. Secretary, if the Board is.

18 This is a hearing on the application for  
19 a Duty Disability benefit being made by EMT  
20 Engineer Christian Howe.

21 Good morning, Mr. Howe. As you have been  
22 told, I am one of the attorneys for the Pension  
23 Fund. I will be conducting this hearing.

24 For the record, I'd like to advise you of

1 some preliminary matters before we start evidence.

2 First of all, there are currently six  
3 trustees on the line to hear the evidence on your  
4 application. If you don't know you should know the  
5 Pension Code requires that you get the yes vote of  
6 at least five trustees in order to receive this  
7 benefit. Do you understand that?

8 MR. HOWE: Yes, sir.

9 MR. PINELLI: I also see from the record  
10 you do not have an attorney representing you today  
11 for this hearing. Is it your desire to proceed  
12 without an attorney?

13 MR. HOWE: Yes, sir.

14 MR. PINELLI: Lastly, it is the  
15 applicant's burden of proof to present sufficient  
16 evidence to the Board in order for the Board to  
17 grant a benefit that the applicant is seeking. Do  
18 you understand it is your burden of proof?

19 MR. HOWE: Yes.

20 MR. PINELLI: By way of procedures, I am  
21 going to start by asking you some questions under  
22 oath. The board members may or may not have  
23 questions of you. Then I will call any witnesses,  
24 including the Fund's physician consultant, to

1       testify.  If there is anything I don't ask those  
2       witnesses, please let me know and you will be given  
3       that opportunity.  Do you understand the  
4       procedures?

5                   MR. HOWE:  Yes, sir.

6                   MR. PINELLI:  Then we are ready to  
7       proceed.  Mr. Howe and Dr. Peters, could you both  
8       please raise your right hands?

9                                   (Witnesses sworn.)

10                                   CHRISTIAN P. HOWE

11       a witness herein, having been first duly sworn, was  
12       examined and testified as follows:

13                                   EXAMINATION

14                                   BY MR. PINELLI:

15                   Q     Mr. Howe, just for the record, please  
16       state your name and spell your last name.

17                   A     Christian Howe, H-o-w-e.

18                   Q     What is your rank with the Fire  
19       Department?

20                   A     EMT Engineer.

21                   Q     What was your last assignment before you  
22       went on layup?

23                   A     5th District Relief.

24                   Q     Now, first of all, directing your

1 attention to the group of exhibits you should have  
2 received prior to the hearing on today, that is  
3 what has been marked as Board Exhibits 1 through  
4 12. Did you receive those documents before today's  
5 hearing?

6 A Yes, sir.

7 Q There was some late additions just  
8 yesterday added to the Board Exhibits, including  
9 some video files. Did you receive those as well?

10 A Yes, sir.

11 Q Did you have a chance to review all of  
12 those Board exhibits?

13 A Yes, sir, I did.

14 Q Do you have any objection to their  
15 admission into the record in support of your  
16 application?

17 A I have one objection.

18 Q What is that, sir?

19 A In Exhibit 2.3, in Dr. Peters' letter to  
20 the Board, under Past Orthopedic History, it is  
21 noted that I am status post a right shoulder  
22 rotator cuff repair in 2020. I never went through  
23 that procedure and there is no documentation in any  
24 of this file to reflect that.

1           Q     Okay.  So with respect to that exhibit,  
2     with that qualification that you just made to the  
3     Board, do you have any objection to its admission  
4     otherwise?

5           A     The rest of it, no, I do not.

6           MR. PINELLI:  Mr. Chairman, subject to  
7     that clarification from the applicant, I would move  
8     to admit all of the Board Exhibits at this time  
9     without objection from the applicant.

10          CHAIRMAN FORTUNA:  All admitted without  
11     objection.

12          MR. PINELLI:  Thank you.

13                 (Board Exhibits 1 through 12 were  
14                 admitted into evidence.)

15     BY MR. PINELLI:

16           Q     Mr. Howe, you are applying for this  
17     disability benefit based upon an injury that you  
18     sustained on July 5th of 2020; is that correct?

19           A     That is correct, sir.

20           Q     Understanding that the Board does have a  
21     copy of your statement, could you please still  
22     summarize for the Board where you were and what  
23     happened to you to cause you an injury on that day?

24           A     I was detailed to Engine Company 46.  It

1 was approximately 6:30 in the morning. Dismounting  
2 a spare apparatus, when my left foot slipped off  
3 the very bottom step and I landed on the ground,  
4 rolled my ankle. I felt and heard some pops in my  
5 foot. I was unable to bear weight on it. It began  
6 to swell and I experienced a good amount of pain.  
7 It was reported to on-duty officers and I was  
8 transported to Trinity ER where x-rays and a  
9 post-mobile were applied. Discharged. I visited  
10 Medical. Was referred out to see Dr. Holmes at  
11 Midwest Orthopedics at Rush.

12 Following his exam, he ordered a MRI,  
13 which as related to me I had a displaced accessory  
14 navicular fracture. Placed in a cast for  
15 approximately -- it was for approximately six to  
16 eight weeks.

17 While I was casted, a storm, a big storm  
18 that came through last August, I was bringing my  
19 children down to the basement. After the storm hit  
20 -- excuse me, I am pretty nervous. And I slipped  
21 and fell or tripped. I don't know exactly what  
22 happened. I landed. I came off of my crutches.  
23 Landed on my left knee. Sustained what I thought  
24 was a minor abrasion. I cared for it like I would

1 any other cut.

2 On August 23rd, I woke up with my knee  
3 swollen and painful and hot to touch. Took myself  
4 to Little Company of Mary Hospital where I was  
5 diagnosed with septic bursitis. I was eventually  
6 admitted to Little Company of Mary Hospital and  
7 transferred to South Suburban Hospital where I  
8 remained until September 3rd and was administered  
9 some pretty heavy hitter antibiotics. I was  
10 discharged with a PICC line for another four weeks  
11 after that at home. As a result of the staph  
12 infection, the planned surgical repair of my foot  
13 had to be postponed until I was given the all clear  
14 by infectious diseases.

15 Q Let me just stop you right there, sir. I  
16 appreciate that and we're going to get into your  
17 treatment. But before we do that, just let me  
18 backup to the incident for a moment. Were there  
19 any other fire personnel in the area at the time  
20 that you fell or twisted your ankle?

21 A Yeah, there were three other members and  
22 I don't recall their names. I would have to go --  
23 I would have to find the 160 for that.

24 Q Okay. In any event, they witnessed the

1 incident at that time?

2 A Correct.

3 Q Now, you indicated it is your left ankle.  
4 Prior to this incident had you had any injuries to  
5 your left ankle before this?

6 A Yeah, I had three previous duty injuries.  
7 One in June of 2007. Another in October of 2009.  
8 Another in November of 2015. All of those were  
9 duty.

10 Q Were they also of a nature similar, that  
11 is they were sprains or twist or injuries to your  
12 ankle that did not require surgical repair?

13 A That is correct.

14 Q So you were able to, after conservative  
15 treatment, come back to work following each of  
16 those injuries?

17 A Yes, sir.

18 Q Moving forward then to the current time  
19 period. So after you had this fall that injured  
20 your left knee and you went through treatment for  
21 an infection, did you eventually get to the point  
22 where you were able to undergo a surgery for your  
23 left ankle?

24 A Yes, that occurred in February of 2021.



1 Q And, to your knowledge, what was the  
2 surgery to repair?

3 A It was to remove the accessory navicular  
4 bone that had not -- or, that had now fused back  
5 and was causing discomfort and pain.

6 Q Now following that surgery in February,  
7 did you then undergo a period of conservative  
8 physical therapy to try to return to work?

9 A Yes, sir.

10 Q Were you able to get to a point to be  
11 able to return to work?

12 A No, I was not.

13 Q Why not? What was the issue or issues?

14 A During physical therapy -- excuse me  
15 while I refer back to my dates.

16 MEMBER TEBBENS: For the record, this is  
17 Trustee Tebbens. I just wanted to let President  
18 Fortuna know that I am in attendance and I was in  
19 attendance at the beginning of the testimony.

20 CHAIRMAN FORTUNA: Thank you.

21 THE WITNESS: On May 7th, after leaving  
22 physical therapy and after performing a few  
23 exercises, I left there in significant pain and a  
24 different type of pain than I had experienced

1 during the rehab portion of time where I was in  
2 physical therapy.

3 BY MR. PINELLI:

4 Q Can you describe for us what was the  
5 difference? Was it a different area in your foot  
6 or what was it?

7 A It was a different area, correct.

8 Q Okay. Have you since then undergone  
9 treatment or are undergoing treatment with your  
10 doctor for dealing with that pain?

11 A Yes, I received a MRI on May 20th. I was  
12 ordered back into the Cam walker boot. I was  
13 allowed to bear weight and followed up in one month  
14 and again in a month following with Dr. Holmes.

15 Q Are you required to wear the boot at all  
16 times?

17 A I was at that point in time, correct.

18 Q Now what is your status with Dr. Holmes?  
19 Has he released you yet or and has he said you're  
20 at maximum medical improvement or do you still have  
21 appointments to see him regarding your current  
22 condition?

23 A I am no longer seeing Dr. Holmes as he is  
24 retiring. I was referred out by him to a Dr.

1 Camran Hamid at Loyola University Medical System.

2 I saw him last on August 19th.

3 Q What did Dr. Hamid say with respect to  
4 continued treatment for your foot?

5 A Let's do six weeks of physical therapy  
6 and see how I am progressing. He noted that I have  
7 a bone spur coming off the tip of my tibia that is  
8 rubbing on the talus bone in my foot that may or  
9 may not be a problem in the future. But we're in a  
10 conservative mode of treatment at this time to  
11 avoid another operation, which I would love to  
12 avoid if I can.

13 Q Have you been attending all the physical  
14 therapy sessions that you were scheduled to do?

15 A I missed one two weeks ago because my  
16 daughter had an emergency at school and I am making  
17 that one up.

18 Q Let's return for a moment to the videos.  
19 Did you take a look at those?

20 A Yes, sir.

21 Q Do those videos portray you in them?

22 A Yes, sir.

23 Q And in various of the videos, I am not  
24 going to go through each one, but there is three or

1 four of them, show you undergoing or doing certain  
2 activities, correct?

3 A Correct.

4 Q And in them you also appear to have the  
5 boot on as you were conducting those activities; is  
6 that correct?

7 A That is correct.

8 Q With respect to the activities you were  
9 undergoing in those videos, were you able to  
10 perform them despite the condition of your foot?

11 A I was never doing anything that I was not  
12 explicitly told by the doctor at the time that I  
13 could do.

14 Q Okay. Sir, did you injure your left  
15 ankle or reinjure it at any time after July 5th of  
16 2020 doing something other than your physical  
17 therapy?

18 A No, sir. I was nonweight bearing for  
19 nine months until I began therapy this past March.  
20 I was immobilized in either a cast or Cam walker  
21 boot at all times.

22 Q Now since you went on layup, have you  
23 engaged in any activities by which you earn income?

24 A No.

1           Q     Have you engaged in any sporting  
2     activities?

3           A     I bench coached my son's little league  
4     team and that was the extent of it.

5           Q     Your next appointment with Dr. Hamid is  
6     when?

7           A     Let me look on my calendar. I live and  
8     die by this thing. October 4th at 10:30 in the  
9     morning.

10          Q     At that time he is going to evaluate the  
11     condition of your foot and what other potential  
12     treatments you may need to undergo?

13          A     Correct.

14                 MR. PINELLI: Thank you. That is all the  
15     questions I have at this time, Mr. Chairman.

16                 CHAIRMAN FORTUNA: Thank you.

17                 Trustees, any questions?

18                 MEMBER MCPHILLIPS: No questions.

19                 CHAIRMAN FORTUNA: No questions.

20                 MR. PINELLI: Then I would call Dr.  
21     Peters to testify.

22                                 (Witness previously sworn.)

23                                 MICHAEL I. PETERS, M.D.

24     a witness herein, having been first duly sworn, was

1 examined and testified as follows:

2 EXAMINATION

3 BY MR. PINELLI:

4 Q Sir, please state your name.

5 A Michael I. Peters.

6 Q You're a physician; is that correct?

7 A Yes.

8 Q Do you perform a function as a consultant  
9 to this fund?

10 A Yes.

11 Q In that capacity, do you review medical  
12 records, examine applicants and report to the  
13 Board?

14 A Yes.

15 Q Did you follow that procedure with  
16 respect to Mr. Howe?

17 A Yes, I did.

18 Q Did you file a written report with the  
19 Board that is marked as Board Exhibit Number 2?

20 A Yes.

21 Q Now, Dr. Peters, due to the current  
22 pandemic conditions, you were not able to  
23 physically examine him; is that correct?

24 A That is correct.

1 Q But you did an interview of him; is that  
2 right?

3 A Yes.

4 Q During your interview of him, did you go  
5 over his medical history and treatment and current  
6 condition?

7 A Yes, I did.

8 Q And was what he told you regarding those  
9 issues consistent or inconsistent with what you saw  
10 in the medical records?

11 A It was consistent.

12 Q Doctor, could you briefly summarize for  
13 the board members the condition of his left ankle  
14 from the date of the injury to the current time?

15 A Engineer Howe has a history of lateral  
16 ankle sprains on the left side. They are all duty  
17 related. The injury that he is describing on July  
18 5th of 2020 when he stepped off the engine involves  
19 the inside or medial side of the ankle so it is a  
20 different injury.

21 His MRI that he had on July 21st of '20  
22 showed that he had tears of a complex of ligaments  
23 that help stabilize the inside of the ankle. So  
24 two of the ligaments, the spring ligament and his

1       deltoid ligament, were torn. He was also  
2       subsequently found to have accessory navicular  
3       bone, that is the bone where those ligaments  
4       attach. An accessory bone is something he was born  
5       with.

6               His orthopedic surgeon diagnosed him with  
7       a separation fracture of those two bones.  
8       Although, I don't see evidence on that on his MRI.  
9       I don't think it really matters. Doing surgery to  
10      excise that extra bone is certainly a reasonable  
11      approach to try to alleviate his pain since he  
12      didn't get better with conservative therapy.

13             He mentioned that the reason -- one of  
14      the reasons why he was immobilized for so long is  
15      that he had another injury where he got a septic  
16      bursitis of the same side knee from falling because  
17      he was using crutches in wet conditions. That  
18      delayed his surgery and made his immobilization  
19      period longer. That is important because it sounds  
20      like he's recovered from the medial ankle problem  
21      but now he has developed two other problems  
22      directly related to his period of immobilization  
23      and altered gait. A hindfoot stress reaction and  
24      an anterior tibular talar impingement syndrome.



1           So those have both been attributed to the  
2 initial injury, although they are not the original  
3 injury.

4           As he described, Dr. Hamid is trying  
5 conservative therapy with a steroid injection and  
6 PT and further immobilization.

7           If that's not successful, he may require  
8 a debridement surgery for the impingement.

9           Q     Doctor, did you have a chance to review  
10 the videos that were sent out to us recently?

11          A     I did.

12          Q     Based upon your observations of his  
13 actions in those videos, does that change your  
14 opinion at all with respect to whether or not he's  
15 currently capable of performing his duties with the  
16 Fire Department?

17          A     No, it does not.

18          Q     You didn't see anything in the videos  
19 that caused you to question whether or not that  
20 ankle is still injured?

21          A     No. He appeared to be wearing the boot.  
22 He appeared to have a limping gait. Most of the  
23 video he was just walking to a car. One of them he  
24 was dragging what looked like a large evergreen

1 tree limb but I don't know that there was anything  
2 unusual about that. A physician wouldn't  
3 necessarily tell him he couldn't do that. It was  
4 probably something he had to do to keep his yard  
5 clean. Certainly isn't of the same level of  
6 exertion that he would be required to do as a  
7 firefighter.

8 No, there was nothing in there that made  
9 me think that it was inconsistent with the history  
10 he provided.

11 Q Based upon what his current condition is,  
12 do you believe he could perform his duties with the  
13 Fire Department?

14 A No, not presently.

15 Q One last thing. Assuming that he  
16 eventually gets to the point where that what is  
17 going on in the ankle heals, do you believe he  
18 could successfully return to the full duties with  
19 the Fire Department?

20 A Yes. If he has resolution of the two  
21 complications that he has developed; the  
22 impingement and the hindfoot stress reaction.

23 MR. PINELLI: Thank you, doctor. That is  
24 all the questions I have.

1 CHAIRMAN FORTUNA: Trustees, any  
2 questions for the doctor?

3 MEMBER MCPHILLIPS: No questions. Thank  
4 you, doctor.

5 CHAIRMAN FORTUNA: Thank you.

6 MR. PINELLI: There is no further  
7 evidence to present at this time.

8 MEMBER MURPHY: Mr. President, I'd like  
9 to make a motion to go into closed session pursuant  
10 to Section 2(c)4 of the Open Meetings Act to  
11 discuss testimony and evidence.

12 MEMBER SHERIDAN: Second.

13 CHAIRMAN FORTUNA: There is a motion to  
14 go into executive session by Trustee Murphy.  
15 Seconded by Trustee 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 McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 (Whereupon, the Board went into  
10 Executive Session off the record.  
11 No action was taken in Executive  
12 Session.)

13 MR. PINELLI: So we're out of Executive  
14 Session.

15 Mr. Howe, are you on the line, sir?

16 MR. HOWE: Yes, sir.

17 MR. PINELLI: Mr. Howe, the Board  
18 exhibits are lacking the 160 report from the Fire  
19 Department. Before the Trustees vote on your  
20 application, they need to have a copy of that  
21 record. Staff is going to work on that right now  
22 to see if we can get that.

23 MR. HOWE: I have a copy. Do you mind if  
24 I look for it real quick?

1 MR. PINELLI: If you have it, are you  
2 able to email it to me or scan it?

3 MR. HOWE: Yes. Give me two seconds to  
4 dig into my Ipad because District sent me a  
5 courtesy copy of it so standby while I look for  
6 that.

7 MR. PINELLI: We have other business to  
8 conduct. What I'd like to do is momentarily if you  
9 could go ahead and look for it and then we have you  
10 email it to us and then we can distribute it to the  
11 Trustees and then we can come back to your matter  
12 after we have taken care of a couple other issues.  
13 Would that work?

14 MR. HOWE: Yes. Send it to Lori?

15 MR. PINELLI: Yes. Do you have her email  
16 address?

17 MR. HOWE: Yes.

18 MR. PINELLI: Please send it directly to  
19 Lori as soon as you get it and then stay available  
20 and we will recall your matter in a little bit.

21 MR. HOWE: Do you want me to stay on the  
22 line?

23 MR. PINELLI: You can stay on, just mute  
24 yourself, that's fine.

1           Then we would defer this matter, Mr.  
2 Secretary, and keep the record open until we  
3 resume.

4           (Short recess in the hearing.)

5           MS. BURNS: Vince, would you like to  
6 update the Board on the question Trustee Sheridan  
7 had made regarding the 160?

8           MR. PINELLI: Yes. So we have a copy of  
9 the 160. It was distributed I believe to all the  
10 Trustees. I have seen a copy of it as well.

11           I think it documents the report of the  
12 injury, simultaneous report of the injury on the  
13 day of the injury. It indicates as well that he  
14 was transported to Trinity Hospital for treatment  
15 of the injury and then it also lists various people  
16 who were witnesses to the incident and as well  
17 confirms that he reported the incident at the time  
18 it occurred.

19           So I believe that documentation would  
20 provide you with a basis to answer the questions  
21 that were asked with respect to the simultaneous  
22 documentation of the incident.

23           MS. BURNS: Given that, Trustee Murphy,  
24 are you ready to proceed with a motion?

1           CHAIRMAN FORTUNA: Trustees, are there  
2 any further questions?

3           MEMBER MURPHY: Mr. President, I'd like  
4 to make a motion to grant the benefits requested by  
5 Engineer Howe.

6           MEMBER SHERIDAN: Second.

7           CHAIRMAN FORTUNA: There's a motion to  
8 grant by Trustee Murphy. Seconded by Sheridan.  
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 Trustee Tebbens.

20          MEMBER TEBBENS: Yes.

21          CHAIRMAN FORTUNA: I am a yes.

22          Motion carries.

23          MEMBER MURPHY: Mr. President, I would  
24 like to make a motion for reexam consistent with

1 the Board's policy.

2 MEMBER SONI: Second.

3 CHAIRMAN FORTUNA: There's a motion for  
4 reexam by Trustee Murphy. Seconded by Trustee  
5 Soni.

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 McPhillips.  
16 Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Counsel has previously  
21 sent around the Findings of Fact and Conclusions of  
22 Law in this matter.

23 Having had a chance to review those, I  
24 would like to make a motion to adopt those Findings



1 of Fact and Conclusions of Law.

2 MEMBER SHERIDAN: Second.

3 CHAIRMAN FORTUNA: There is a motion by

4 Trustee Murphy to adopt the Findings of Fact.

5 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 Based on the Findings of Fact and  
20 Conclusions of Law made by the Trustees, the  
21 Trustees have voted to grant you the benefit you  
22 have requested.

23 You will be notified by mail of the

24 Findings of Fact and the Board's decision.

1 Good luck to you.

2 MS. BURNS: I just want to make sure the  
3 record reflects that this document will be  
4 submitted as part of the Howe record; is that  
5 correct?

6 MR. PINELLI: Yes, I would move for  
7 admission of it. And, I assume, Mr. Howe, you have  
8 no objection to the 160 being added to the  
9 exhibits, right?

10 MR. HOWE: Absolutely not. I am glad I  
11 had a copy.

12 MR. PINELLI: So am I. Thank you, sir.

13 MS. BURNS: The record will so reflect.

14 MEMBER MURPHY: I'd like to move to the  
15 next application of Mark Mansor, Engine 78.

16 MR. PINELLI: Is Mr. Mansor on the line,  
17 along with his attorney Mr. Marconi?

18 MR. MANSOR: I am present.

19 MR. PINELLI: Is Mr. Marconi on the line?

20 MR. MARCONI: Jerry Marconi for the  
21 record.

22 CHAIRMAN FORTUNA: Thank you.

23 MR. PINELLI: Thank you.

24 Let the record reflect this is a hearing

1 on the application for a Duty Disability benefit  
2 being made by Mark Mansor.

3 Mr. Mansor is present and is on the line.

4 Sir, can you hear me?

5 MR. MANSOR: Yes, sir.

6 MR. PINELLI: He's represented by counsel  
7 Jerry Marconi. Counsel, could you identify  
8 yourself, please?

9 MR. MARCONI: Jerry Marconi for the  
10 record.

11 MR. PINELLI: Thank you.

12 Before we begin evidence, counsel, you  
13 should have received a copy of what's been marked  
14 as Board's Exhibits 1 through 10 prior to today's  
15 date from your client. Did you receive those?

16 MR. MANSOR: I did receive those and I  
17 also received some exhibits last night. I think  
18 Exhibit 6.

19 MR. PINELLI: Yes, there was an  
20 additional exhibit that was added. Do you have any  
21 objection to the admission of those exhibits into  
22 the record?

23 MR. MARCONI: I do not.

24 MR. PINELLI: All right. Mr. Chairman, I

1 move for admission of Board's Exhibits 1 through 10  
2 without objection from the applicant.

3 CHAIRMAN FORTUNA: Admitted without  
4 objection.

5 (Board Exhibits 1 through 10 were  
6 admitted into evidence.)

7 MR. PINELLI: Thank you.

8 Counsel, before we proceed, do you intend  
9 to call Mr. Mansor to testify?

10 MR. MARCONI: Yes, sir, I do.

11 MR. PINELLI: Sir, could you raise your  
12 right hand and Dr. Peters could you also raise your  
13 right hand?

14 (Witnesses sworn.)

15 MR. PINELLI: Then we are ready to  
16 proceed. Counsel do you wish to call any  
17 witnesses?

18 MR. MARCONI: Yes, Mark Mansor.

19 MR. PINELLI: Please, proceed.

20 MARK MANSOR

21 a witness herein, having been first duly sworn, was  
22 examined and testified as follows:

23 EXAMINATION

24 BY MR. MARCONI:

1 Q Good morning. Could you state your name  
2 again for the record?

3 A Firefighter Mark Mansor.

4 Q I am going to get a little bit of  
5 background. When did you join the Chicago Fire  
6 Department?

7 A March of 2014.

8 Q Are you a Firefighter, Firefighter  
9 Paramedic?

10 A Yes, sir. I am a Firefighter EMT.

11 Q When was your last assignment?

12 A Engine 78.

13 Q Just so the record is clear, you're the  
14 applicant; is that correct?

15 A Correct.

16 Q It looks like, according to the Exhibits  
17 that were admitted into evidence today, that you  
18 filed your application on June 14, 2021; is that  
19 correct?

20 A Correct.

21 Q Your last day before layup was November  
22 1, 2020; is that correct?

23 A Correct.

24 Q When was your last day on the payroll?

1 When did you stop getting paid?

2 A I believe July 13, 2021.

3 Q In the application in your affidavit, you  
4 indicate that this incident occurred on January 27,  
5 2019; is that correct?

6 A Correct.

7 Q Where were you assigned?

8 A At that time I was assigned to Engine 78.

9 Q Did you receive a call in the early  
10 morning hours to go to the 19th District police  
11 station in Chicago?

12 A Yes.

13 Q What was the nature of that call?

14 A Combative patient attempting suicide in  
15 the 19th District lockup.

16 Q Did you go to the lockup?

17 A Yes.

18 Q What did you see?

19 A I saw a patient very combative. Settled  
20 down a little bit. Sat down. Checking the vitals.  
21 Out of nowhere he jumps up and backhand fists me to  
22 the face.

23 Q Do you wear glasses?

24 A Yes.

1 Q Were you wearing glasses?

2 A Yes.

3 Q What did you feel when you were  
4 backhanded? I guess a back fist to the face?

5 A I was in disbelief. We held the patient  
6 down so there was no more damages done to me or my  
7 crew. At the time I was just full adrenalin.  
8 Didn't feel much. About 20 minutes later, my face  
9 got extremely red, my eyes got really painful and I  
10 had pain in my nose.

11 Q Did you subsequently go to the emergency  
12 room at St. Joseph Hospital?

13 A I did, yes.

14 Q And did you receive, to the best of your  
15 knowledge, a diagnosis at that point?

16 A Partial, yes. Diagnosed with three  
17 abrasions to my cornea, seven micro fractures to my  
18 nose at that time.

19 Q Did you follow up and go to the Medical  
20 Section after your initial treatment in the  
21 emergency room?

22 A Yes.

23 Q And looking at the materials, it looks  
24 like there was a note from February 26th indicating

1 you had a deviated septum. When did you learn you  
2 had a deviated septum in addition to the fractures?

3 A When I was advised to visit Rush, a  
4 doctor I believe Revenaugh, diagnosed me with a  
5 deviated septum there.

6 Q I think he's in the records but he  
7 specializes in plastic and reconstructive surgery;  
8 is that correct?

9 A Yes.

10 Q Did you guys talk about the deviated  
11 septum, the diagnosis of the deviated septum, at  
12 that time?

13 A Yes.

14 Q And was he recommending any surgery at  
15 that time or was it just conservative treatment?

16 A He stated since, you know, it was a fresh  
17 incident and I am a younger, healthy guy that they  
18 would approach a more conservative approach and it  
19 typically could heal on its own.

20 Q After the initial visits, did you work to  
21 get back to work?

22 A Absolutely, yes.

23 Q How long were you off do you think?

24 A I could be wrong but two furloughs maxed,



1 30 days maxed, I was off. I came back to work.

2 Q Did your condition from the evening of  
3 the incident did that improve, stay the same or get  
4 worse?

5 A From January 27, 2019 to today, it's  
6 gotten extremely worse.

7 Q How about from when the initial incident  
8 occurred to when you started back at work like 30  
9 days after the incident?

10 A I was better but then it got worse again  
11 not too long after so yeah.

12 Q So can you tell the Board -- I know that  
13 you were back at work for quite a while but what  
14 were some of the issues that you were experiencing  
15 that you had not experienced prior to the January  
16 27th incident?

17 A I consider myself a very healthy,  
18 athletic guy. Never had any breathing issues  
19 before. Since this incident, I am consistently  
20 constantly going to urgent care and doctor visits,  
21 with bronchitis, upper respiratory infections,  
22 sinusitis. Recently diagnosed with eosinophilic  
23 asthma. With that being stated, never had any  
24 breathing issues and then within one year span I

1 just constantly having difficulty breathing, which  
2 I never had in my life before.

3 Q When you were hired by the Department, I  
4 am assuming you went through pulmonary functioning  
5 testing; is that correct?

6 A Yes.

7 Q And no issues detected; is that correct?

8 A Correct.

9 Q Now in the records, there is a lot of  
10 references, and I think it's just because of the  
11 records seem to repeat themselves, of childhood  
12 asthma. Have you ever been -- to the best of your  
13 recollection, have you ever been diagnosed with  
14 childhood asthma?

15 A From what I have asked my mother, she  
16 doesn't -- she is illiterate. But from what she  
17 has told me, I never had asthma. I never had  
18 administered any Albuterol. So I don't know where  
19 that is coming from.

20 Q When you were very, very young, did you  
21 have breathing issues? I am talking I think there  
22 was reference in the records to like when you were  
23 three.

24 A Yes. I was an extremely heavy baby. I

1 was roughly around 37 pounds at one year old. I  
2 had trouble breathing around two, three years old,  
3 correct, but I was never diagnosed with anything.

4 Q Were you ever diagnosed in like high  
5 school, grade school, college, with any type of  
6 breathing issues or asthma?

7 A Never. I was super athletic. Always in  
8 great shape. Never had any breathing issues ever.

9 Q As far as your athletics, how far did you  
10 progress in college in terms of playing sports?

11 A I played baseball my whole life. I  
12 played college ball. I also played semipro ball.

13 I had two dreams. I was either playing  
14 pro baseball which I never got or become a Chicago  
15 fireman and I achieved that one.

16 Q As you were going through this, while you  
17 were working, were you going to different doctors  
18 to try to figure out what the problem was?

19 A Yes. The list is extensive. All the  
20 doctors trying to figure out what is happening to  
21 me. Yes, I have seen a list of doctors.

22 Q I am sure Dr. Peters is on the phone but  
23 I know that he has a listing of several doctors in  
24 his report of various doctors and various

1 specialties; is that correct?

2 A Yes.

3 Q Now, there is a Dr. Maribe Bangayan, a  
4 pulmonologist. Was it difficult for you to get an  
5 appointment for your pulmonary issues during this  
6 particular time?

7 A Absolutely. To see a pulmonologist in  
8 the midst of the pandemic was the most difficult  
9 thing that I have ever experienced. Finding a  
10 pulmonologist during the pandemic was like finding  
11 a needle in a haystack.

12 Q Now I know, and I just want you to kind  
13 of tell the Board because it gets a little bit  
14 confusing in the records, but it looks like you saw  
15 a rheumatologist, you saw an allergist, you saw an  
16 ENT doctor, you saw an infectious disease doctor.  
17 How were you getting to these doctors? I mean, who  
18 was referring you?

19 A Chicago Medical needed a clearance from a  
20 pulmonologist. I did my due diligence to find the  
21 nearest and quickest available pulmonologist. It  
22 ended up being Dr. Bangayan.

23 After -- I am jumping ahead. I ended up  
24 getting a bronchoscopy and then that is when I

1 needed to see other doctors to figure out what  
2 exactly was happening.

3 Dr. Bangayan suggested I speak to Dr.  
4 Sweis and then Sweis is the one that eventually  
5 told me to see Dr. Schafer and Dr. Malik and to  
6 figure out -- and Dr. Adeyemi to figure out what  
7 exactly was going on.

8 Q I think Dr. Malik are the records that we  
9 just got last night or this morning; is that  
10 correct?

11 A Yes.

12 Q Up until the point when you started  
13 seeing Dr. Sweis, could anyone give you a definite  
14 diagnosis as to what was going on with you?

15 A There was no definite diagnosis. There  
16 was a multitude of different medications that were  
17 prescribed to me and nothing worked well, besides  
18 Prednisone made me feel seminormal but never even  
19 close to 100 percent. But, no, there was no  
20 legitimate diagnosis until after they all  
21 collaborated recently.

22 Q Now there is references in Dr. Peters'  
23 report and also in the medical records of a  
24 condition. I think it is an autoimmune, Churg-

1       Strauss or EGPA. Are you familiar with that?

2           A     Yes.

3           Q     Was that suspected early-on?

4           A     Yes, that was the first thing that was  
5       stated from one and only one doctor, which also  
6       rescinded her statement when after collaboration  
7       with the other four doctors.

8           Q     What doctor was that?

9           A     The pulmonologist Dr. Maribe Bangayan.

10          Q     So it appears to me, correct me if I am  
11       wrong, from the records, that the Medical Section  
12       was requiring you to get this form filled out by a  
13       pulmonologist because you wanted to get back to  
14       work; is that correct?

15          A     Absolutely.

16          Q     Eventually it looks like that form was  
17       filled out by a Doctor Shah?

18          A     Yes.

19          Q     Who is Doctor Shah?

20          A     Doctor Shah was a pulmonary associate I  
21       believe with Resurrection, that cleared me with a  
22       multitude of questions, and then I was cleared to  
23       go back to work.

24          Q     So you did in fact go back maybe in the

1 beginning of October 2020?

2 A Sounds about right, yes.

3 Q Now in the application, it indicates you  
4 then had a layup like right around November 1,  
5 2020. I think after a fire run. Is that correct?

6 A That is correct, yes.

7 Q What happened there?

8 A We had a false alarm at a highrise fire.  
9 The highrise fire consists of a multitude of  
10 things. I get to the staircase where I typically  
11 start to get to work and I can't breathe. I can't  
12 catch my breath. My heart is pounding through my  
13 chest. I start to not be able to breathe.

14 Thank god it was a false alarm. I  
15 realized I am a liability to my coworkers and to  
16 the civilians of Chicago.

17 Q So you went back to the Medical Section  
18 and indicated you had this issue on this false  
19 alarm and basically there was a real problem there?

20 A Correct. I was just unable to do my  
21 duties.

22 Q Okay. So after that, did you continue  
23 then with your treatment with various doctors to  
24 try to figure out what was wrong with you to try to

1 get you back to work?

2 A Absolutely, yes.

3 Q Tell me about Dr. Sweis. How did you  
4 come upon him and then what role did he play up  
5 until your last surgery?

6 A So Dr. Bangayan is the one that referred  
7 me to Dr. Sweis. I refer to Dr. Sweis as my  
8 savior. He is the one that has figured everything  
9 out and collaborated with all the doctors to narrow  
10 it down to what the exact issue was. So Dr.  
11 Bangayan actually referred me to Dr. Sweis.

12 Q It's my understanding, or maybe it is not  
13 clear in the records, but there was a surgery  
14 scheduled for September 1st, a couple of weeks ago;  
15 is that correct?

16 A That is correct.

17 Q Did you follow through and have that  
18 surgery?

19 A Yes.

20 Q Was that surgery to correct the deviated  
21 septum that you sustained back on January 27th  
22 during an incident when you were punched in the  
23 face?

24 A Yes.



1           Q     Before I go into recovery from that, and  
2     I realize Dr. Peters is on the phone, but as a lay  
3     person, what was your understanding finally of what  
4     was going on that was causing all these problems?

5           A     So I think we're missing a section here.  
6     When I laid back up, I had a bronchoscopy done and  
7     they found that I had a staph infection in my lung  
8     as well so I think we skipped that part. I am not  
9     sure if that is important to this particular --

10          Q     Was that I think in May?

11          A     Yes. Correct.

12          Q     And they found a fungal infection I  
13     think, is that correct, or a staph infection in  
14     your right lung?

15          A     Correct.

16          Q     How does that kind of fit in to all the  
17     other symptoms that you were experiencing?

18          A     So from my understanding, how Dr. Sweis  
19     and Dr. Schafer explained it to me, is my nasal  
20     cavity or our nasal cavity in our lungs are all one  
21     cohesive piece. And me being unable to filter  
22     allergins and whatnot caused eosinophilic asthma to  
23     my lungs, which makes it extremely difficult for me  
24     to breathe even at just a resting heart rate.

1           Q     So let's talk about the surgery, let's  
2 talk about your recovery to-date and let's talk  
3 about the prognosis. You had the surgery September  
4 1st; is that correct?

5           A     Yes.

6           Q     And now after the surgery, what is your  
7 rehab routine in terms of, you know, trying to get  
8 back to normal?

9           A     As of right now, I am on antibiotics. I  
10 am still on Prednisone steroids. I start my  
11 steroid flush today, that is for three to four  
12 months. And then I have to visit the multitude of  
13 doctors to see if the asthma is cleared or not and  
14 then take it from there.

15          Q     What is a steroid flush?

16          A     It is a topical steroid flush for the  
17 nasal cavity for the surgery that was done on  
18 September 1st, instead of taking Prednisone.

19          Q     So instead of taking Prednisone, this is  
20 a topical treatment?

21          A     Correct.

22          Q     Since the surgery, I know it has only  
23 been two weeks, have you felt like you made some  
24 gains?

1           A     Absolutely. I definitely can see I can  
2 finally catch my breath a little bit here and there  
3 compared to the last eight months or so. It was  
4 very difficult to catch my breath. But, yes, I can  
5 see some sort of success from the surgery, yes.

6           Q     I think your records indicate that during  
7 all this your wife gave birth. You have a very  
8 young child. Is that correct?

9           A     That is correct, yes.

10          Q     How old is your child?

11          A     13 months.

12          Q     And then during this process, did you  
13 test for Lieutenant, I think?

14          A     Yes, sir. Yes, I did.

15          Q     Let me talk about your desires. What is  
16 your -- in your mind, what is your prognosis right  
17 now and what are your efforts to try to get back to  
18 work as soon as possible?

19          A     As of right now, like I said, it's been  
20 only two weeks so only time will tell. I had two  
21 dreams like I said. It was either playing  
22 professional baseball or becoming a firefighter and  
23 I became a fireman.

24                   I want to get to back to work. I am 36

1 years old. I want to advance in my career. I  
2 don't want to retire at 36 as a firefighter. I  
3 want to retire as a captain or chief so my ultimate  
4 math goal is to get back on the job. But I just  
5 physically can't even walk up the stairs without  
6 bending over to catch my breath. Only time will  
7 tell how successful the surgery was.

8 Q What are your upcoming medical  
9 appointments or treatment?

10 A I have another doctor's appointment  
11 tomorrow with Dr. Sweis. I am getting the metal  
12 stents removed out of my nasal cavity. I also have  
13 a doctor's appointment with Dr. Schafer on the 20th  
14 to see where I am at to get a baseline on the  
15 eosinophilic asthma to see if I have to take a  
16 biologic for the rest of my life.

17 Q What is a biologic in your understanding?

18 A From my understanding, it is a medication  
19 that I have to give myself every day. It is a  
20 shot. Essentially what it does, it attacks the  
21 white blood cells without damaging the white blood  
22 cells. It destroys the mucus around the white  
23 blood cells that are in my lungs that is causing me  
24 to feel like I have a chronic pneumonia. It is

1 from my understanding. I could be a little off but  
2 this is what I was told. What I comprehended from  
3 my doctor.

4 Q Correct me if I am wrong but it is too  
5 early to tell right now whether or not you will  
6 even require that in the future; is that correct?

7 A That is correct.

8 Q Do you still treat with like an allergist  
9 or an autoimmune doctor?

10 A I no longer need the autoimmune doctor  
11 since a multitude of blood work samples came back  
12 with a normal immune system. So Dr. Malik said I  
13 no longer need to see her.

14 Yes, I am in constant contact with Dr.  
15 Schafer and in constant contact with Dr. Sweis.

16 Q As you sit there today, you are very  
17 optimistic and very hopeful that the surgery  
18 corrected the problem and that you eventually,  
19 hopefully in the next year, get back to work?

20 A That is the ultimate goal, yes.

21 MR. MARCONI: I don't have anything else.

22 CHAIRMAN FORTUNA: Trustees, any  
23 questions?

24 No questions.

1 MR. PINELLI: I have a couple of  
2 questions, Mr. Chairman.

3 EXAMINATION

4 BY MR. PINELLI:

5 Q Sir, since you went on layup, have you  
6 engaged in any activities by which you earn income?

7 A No.

8 Q Have you engaged in any sporting  
9 activities?

10 A No.

11 Q The micro fractures that you said you had  
12 that was to your nasal cavity not your septum,  
13 right?

14 A That was my nose.

15 Q Right. Did those heal without any  
16 surgical intervention?

17 A Yes.

18 Q As far as you know, those are all  
19 completely healed; that injury?

20 A For the micro fractures, yes.

21 Q The deviated septum was not addressed  
22 until September 1st of just this year, right? A  
23 couple of weeks ago, right?

24 A I am not sure what the question is. It

1 was addressed in February of 2019 but they  
2 approached a conservative approach for a deviated  
3 septum.

4 Q Yes. I'm sorry, I meant it wasn't  
5 addressed by surgical intervention until September  
6 1st of this year, right?

7 A Correct.

8 Q Did the doctor tell you at all about when  
9 he's able to tell if the deviated septum has been  
10 addressed by the surgery? In other words, is it  
11 going to be a couple of weeks? Is it going to be a  
12 couple months, if he told you?

13 A This will be my second doctor's visit  
14 with Dr. Sweis tomorrow. I have metal stents in  
15 there right now. I am uncertain of your question.  
16 I don't know how to answer that, to be honest with  
17 you.

18 Q Are the stents permanent or will he take  
19 them out?

20 A They are coming out tomorrow I believe.

21 MR. PINELLI: So they will be coming out.  
22 All right. Thank you. That is all the questions I  
23 have of the witness.

24 CHAIRMAN FORTUNA: Trustees, any

1 questions?

2 Hearing none.

3 MR. PINELLI: Jerry, do you rest at this  
4 point subject to the doctor's testimony?

5 MR. MARCONI: Yes, sir.

6 MR. PINELLI: Okay. Then I would call  
7 Dr. Peters to testify.

8 (Witness previously sworn.)

9 MICHAEL I. PETERS, M.D.

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?

15 A Michael I. Peters.

16 Q You're a physician; is that correct?

17 A Yes.

18 Q Is a copy of your qualifications attached  
19 to the Board Exhibits?

20 A Yes.

21 Q Do you perform a function as a consultant  
22 to this Fund?

23 A Yes.

24 Q In that capacity, do you review medical



1 records, examine or interview applicants, and  
2 report to the Board?

3 A Yes, I do.

4 Q And with respect to this applicant, did  
5 you interview him?

6 A Yes, by telephone.

7 Q Was the information he provided to you  
8 consistent with the medical records you reviewed?

9 A It was all generally consistent, except  
10 that I did not find evidence in the medical record  
11 of the history of micro fractures but I also didn't  
12 have access to Dr. Revenaugh's office visit.

13 Q Did you file a written report with the  
14 Board that is marked as Board Exhibit Number 2?

15 A Yes.

16 Q Doctor, could you just summarize for us,  
17 I know the applicant took us through quite a bit of  
18 history there, but could you summarize for us the  
19 chronology of treatments he has had since this  
20 incident?

21 A Yes. Firefighter Mansor, as he stated,  
22 was punched in the face and eye by a combative  
23 patient he was evaluating in January of '19.

24 He was seen soon after by an ENT, who

1 diagnosed him with a -- he was diagnosed in the ER  
2 at St. Joe's with a clinical diagnosis of nasal  
3 fracture but his x-ray was negative. He was seen  
4 soon after by ENT. Reportedly diagnosed with a  
5 left deviated septum. Again, I don't have access  
6 to those records.

7 Then beginning in April, in April of '19,  
8 he had a whole series of multiple visits to  
9 intermediate care centers for new onset of  
10 sinusitis, bronchitis. And then ultimately, about  
11 a year later, in March of '20, was his first asthma  
12 exacerbation.

13 He had pulmonary function tests in  
14 December of '20 which were normal. There was no  
15 response to bronchodilator treatment. As he  
16 mentioned, he was cleared by Dr. Shah from  
17 pulmonology, in December of '20, to go back to  
18 work. But even after he went back to work, he was  
19 having further intermediate care center visits with  
20 shortness of breath and documented wheezing.

21 And then, in November of '20, he had the  
22 highrise response. The call where he was short of  
23 breath and he had a documented pulse oximetry  
24 reading of 88 percent.

1           He went through multiple treatments for  
2 asthma, with various bronchodilators and steroid  
3 inhalers. Courses of oral steroid, antibiotics,  
4 with continued exacerbations, shortness of breath  
5 and wheezing.

6           He ultimately had a CT angiogram of the  
7 chest, that was in February of '21, that showed a  
8 right lower lobe nodule. The list of possibilities  
9 for that would have included cancer as well as  
10 fungal and bacterial infections.

11           He was diagnosed with a staph pneumonia,  
12 which was treated with antibiotics and resolved.

13           In February of '21, he had his first  
14 documented eosinophilia, which means that a  
15 specific type of white blood cell called eosinophil  
16 was elevated. This was noted by his various  
17 specialists.

18           And then, in May of this year, May of  
19 '21, he underwent a bronchoscopy where they  
20 biopsied the lung nodule. It was not cancer but  
21 there was a presence of eosinophils and  
22 inflammatory cells within the nodule.

23           He continued to have asthma refractory to  
24 treatment. He was on multiple courses, long

1 courses, of oral steroid treatment.

2 As he mentioned, he was seen by an ENT,  
3 an allergist, a rheumatologist. His ENT surgeon  
4 did confirm the diagnosis of a deviated septum.

5 He had a CT of the sinuses in July. It  
6 showed he had a diffused swelling and sinusitis of  
7 the sinuses.

8 He went through steroids prior to the  
9 surgery in September. There was discussion about  
10 various possible diagnoses, including what used to  
11 be called Churg-Strauss disease now called EGPA.

12 The reason why they discussed that is  
13 that there is some things about Firefighter  
14 Mansor's history that fit with that diagnosis.  
15 Specifically, the mucous sinusitis, the asthma, the  
16 refractory to treatment, the eosinophilia. But  
17 he's missing some other things that you need for  
18 the diagnosis. Specifically, you need vasculitis  
19 or an inflammation of small and medium arteries,  
20 that was not seen on the bronchoscopy. For that  
21 reason and because he doesn't have non-lung  
22 involvement it was felt EGA is not the likely  
23 diagnosis but rather eosinophilic asthma is the  
24 most likely diagnosis.

1           He underwent the sinus surgery and repair  
2 of his septum and the opening his sinuses on  
3 September 1st with the hope that if this is  
4 corrected then the eosinophilic asthma would go  
5 away.

6           If it didn't, then he would need a  
7 specific medication that Firefighter Mansor  
8 described which is we call a biologic. It is a  
9 monoclonal antibody directed towards a factor  
10 within the body that stimulates the eosinophils.  
11 Essentially it shuts off the eosinophils from being  
12 activated. As he mentioned, only time will tell if  
13 he needs that medication.

14           It is kind of a long story that starts  
15 with the nasal injury and ends up with eosinophilic  
16 asthma.

17           Q     First of all, given his current  
18 condition, having had the surgery recently, and the  
19 symptoms he was experiencing prior to that, is it  
20 your opinion that he would be able to perform his  
21 duties with the Fire Department?

22           A     I don't think he can perform his duties  
23 with the Fire Department. Not because of his  
24 surgery but because he has essentially refractory

1     asthma, eosinophilic asthma. It is not better with  
2     steroids or any of the usual treatments. He is  
3     requiring the use of the rescue inhaler far too  
4     frequently for it to be safe for him to perform  
5     full fighter duties.

6           Q     This asthma we usually see this in  
7     occupational claims but is my understanding correct  
8     that it is the result of the initial injury,  
9     including the deviated septum, that caused these  
10    supplemental sinus issues that then generates this  
11    specific type of asthma reaction?

12          A     I think that is the line of reasoning  
13    that is being used probably most by the ENT surgeon  
14    and probably is the reason for his application for  
15    Duty and I don't think anyone can say for sure that  
16    that isn't true.

17                Eosinophilic asthma is a subtype of  
18    asthma. Everything about it fits with Firefighter  
19    Mansor's presentation. It usually occurs in  
20    adults. It is refractory to steroids. It usually  
21    is very severe. It is associated with eosinophils  
22    in the respiratory tract.

23                Whether it is caused by genetics and/or  
24    environmental stimulus isn't clearly understood. I

1 don't know that it is specifically caused by a  
2 deviated septum and sinusitis. I can't say that  
3 for sure.

4 Q Let me ask you this. Assuming that the  
5 deviated septum was corrected by the surgery, so he  
6 has a full recovery from that, would you expect  
7 that he would be able to return to his full fire  
8 fighting duties?

9 A If he has a full recovery from his  
10 eosinophilic asthma after having his septum and  
11 sinus surgery, then the thought hypothesis that all  
12 of this was related to a deviated septum would be  
13 proven true.

14 Yes, provided that his asthma was  
15 controlled and he wasn't using his Albuterol all  
16 the time, yes, he could return.

17 MEMBER VALENCIA: Doctor, I am so sorry  
18 to interrupt.

19 President Fortuna, I have to leave real  
20 quick for my Budget prep with the Mayor's office  
21 but I will try to get back on when I am finished.

22 MR. PINELLI: Thank you.

23 Thank you. That is all the questions  
24 that I have of the doctor at this time.

1 CHAIRMAN FORTUNA: Trustees, any  
2 questions for Dr. Peters?

3 Hearing none.

4 MR. PINELLI: Counsel, do you have any  
5 questions?

6 MR. MARCONI: Vince, I think you covered  
7 everything. I don't have any questions.

8 MR. PINELLI: Okay. Do you have any  
9 other evidence you wish to present at this time?

10 MR. MARCONI: I do not.

11 MR. PINELLI: Then the record is complete  
12 in this matter.

13 MEMBER MURPHY: Mr. President, I'd like  
14 to make a motion to grant the benefits requested by  
15 Firefighter Mansor.

16 CHAIRMAN FORTUNA: There is a motion to  
17 grant. Is there a second?

18 MEMBER TEBBENS: I will second that.

19 CHAIRMAN FORTUNA: Seconded by Trustee  
20 Tebbens.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.



1 CHAIRMAN FORTUNA: Trustee

2 Conyears-Ervin.

3 MEMBER CONYEARS-ERVIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee McPhillips.

7 Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Mr. President, I'd like

12 to make a motion for reexam consistent with the

13 Board's policies.

14 MEMBER SONI: Second.

15 CHAIRMAN FORTUNA: There's a motion for

16 reexam by Trustee Murphy. Seconded by Trustee

17 Soni.

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 McPhillips.

4 Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 MEMBER MURPHY: Counsel has previously  
9 sent around proposed Findings of Fact and  
10 Conclusions of Law in this matter. Having had a  
11 chance to review those, I'd like to make a motion  
12 to adopt the Findings of Fact and Conclusions of  
13 Law in this matter.

14 MEMBER SHERIDAN: Second.

15 CHAIRMAN FORTUNA: There's a motion to  
16 adopt the Findings of Fact by Trustee Murphy.  
17 Seconded by Trustee Sheridan.

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 McPhillips.

4 Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 Mark, based on the Findings of Fact and  
9 Conclusions of Law made by the Trustees, the  
10 Trustees have voted to grant you the benefit you  
11 have requested.

12 You will be notified by mail of the  
13 Findings of Fact and the Board's decision.

14 Hopefully, you will be back to work soon.

15 MR. MANSOR: Thank you.

16 MEMBER MURPHY: We have an Occupational  
17 Disease application for Lawrence Rybakowski.

18 CHAIRMAN FORTUNA: Vince.

19 MR. PINELLI: Mr. Rybakowski, are you on  
20 the line, sir?

21 MR. RYBAKOWSKI: Yes, sir, I am.

22 MR. PINELLI: Thank you for your  
23 patience, sir. We have had extended hearings this  
24 morning and I know you have been on since earlier.

1           Let the record reflect this is the  
2           hearing on the application for an Occupational  
3           Disease Disability benefit being made by Lawrence  
4           Rybakowski.

5           I'd like to advise you of some  
6           preliminary matters before we start evidence.  
7           First of all, I believe there are at least six  
8           trustees on the line at this time to hear the  
9           evidence on your application. If you don't know  
10          you should know, the Pension Code requires you get  
11          the yes vote of at least five trustees in order to  
12          receive this benefit. Do you understand that?

13          MR. RYBAKOWSKI: Yes.

14          MR. PINELLI: I see you do not have an  
15          attorney representing you. Is it your desire to  
16          proceed without an attorney today?

17          MR. RYBAKOWSKI: Yes.

18          MR. PINELLI: Lastly, it is the  
19          applicant's burden of proof to present sufficient  
20          evidence to the Board in order for the Board to  
21          grant the benefit that the applicant is seeking.  
22          Do you understand it is your burden of proof?

23          MR. RYBAKOWSKI: Yes, sir.

24          MR. PINELLI: By way of procedures, I am

1 going to start by asking you some questions under  
2 oath. The board members may or may not have  
3 questions of you. I will then call the Fund  
4 physician consultant to testify Dr. Peters. If  
5 there is anything I don't ask him, please let me  
6 know and you will be given that opportunity.

7 MR. RYBAKOWSKI: Okay.

8 MR. PINELLI: Then we are ready to  
9 proceed. Could you and Dr. Peters please raise  
10 your right hands?

11 (Witnesses sworn.)

12 LAWRENCE RYBAKOWSKI

13 a witness herein, having been first duly sworn, was  
14 examined and testified as follows:

15 EXAMINATION

16 BY MR. PINELLI:

17 Q Sir, could you please state your name for  
18 the record?

19 A Lawrence Rybakowski.

20 Q What is your rank with the Fire  
21 Department?

22 A Firefighter.

23 Q What was your last assignment before you  
24 went on layup?

1           A     Engine 50.

2           Q     Sir, did you receive a copy of what has  
3     been marked as Board Exhibits 1 through 10 before  
4     today's date?

5           A     Yes.

6           Q     Do you have any objection to their  
7     admission into the 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 10 without objection from  
13     the applicant.

14           CHAIRMAN FORTUNA: Exhibits are admitted  
15     without objection.

16           (Board Exhibits 1 through 10 were  
17     admitted into evidence.)

18           MR. PINELLI: Thank you.

19     BY MR. PINELLI:

20           Q     Now, sir, you are applying for an  
21     Occupational Disease Disability benefit based upon  
22     a condition that you have; COPD. Is that correct?

23           A     COPD and chronic bronchitis.

24           Q     You have completed more than seven years

1 of service with the Fire Department; is that  
2 correct?

3 A Yes, 25 years.

4 Q You joined in 1996; is that right?

5 A Yes, May of '96.

6 Q Could you just give us a brief chronology  
7 from May of '96 to the current time at Engine 50 of  
8 your assignments?

9 A When I came out of the Academy, I was at  
10 Engine 18 for about 11 years from '96 to 2007. And  
11 then from that point on I was at Engine 50 to  
12 current. I was a couple years I transferred over  
13 to Truck 18 and then got put on second shift but I  
14 was there my whole career basically.

15 Q Are you currently taking any medications  
16 to treat your condition?

17 A Yes. I am taking Qvar, it is an inhaler.  
18 I take that twice a day. And I also have Albuterol  
19 for a rescue inhaler when needed.

20 Q Okay. Since you went on layup, have you  
21 engaged in any activities by which you earn income?

22 A No.

23 Q Have you engaged in any sporting  
24 activities?

1           A     No.

2                     MR. PINELLI: Thank you. That is all the  
3 at questions I have of the witness.

4                     CHAIRMAN FORTUNA: Trustees, any  
5 questions?

6                     Okay, hearing none.

7                     MR. PINELLI: I call Dr. Peters.

8                                     (Witness previously sworn.)

9                                     MICHAEL I. PETERS, M.D.

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.

15                     A     Michael I. Peters.

16                     Q     You're a physician; is that correct?

17                     A     Yes, it is.

18                     Q     A copy of your qualifications as a  
19 physician are attached to the Board Exhibits?

20                     A     Yes.

21                     Q     Do you perform a function to this Fund?

22                     A     Yes, I do.

23                     Q     As a consultant, do you review medical  
24 records, interview applicants and report to the



1 Board?

2 A Yes.

3 Q Did you follow that procedure with Mr.  
4 Rybakowski?

5 A Yes, I did.

6 Q Did you file a written report that is  
7 marked as Board Exhibit Number 2?

8 A Yes.

9 Q Doctor, in your interview of him, did he  
10 provide you information that was consistent with  
11 the medical records you reviewed?

12 A Yes, it was.

13 Q Could you briefly summarize for us what  
14 the records indicated with respect to his current  
15 condition?

16 A Yes. Firefighter Rybakowski, on August  
17 26th of 2020, had a near fainting spell while  
18 pulling ceiling. He was seen at the hospital and  
19 had a negative cardiac evaluation but his pulmonary  
20 function tests in December of '20 showed moderate  
21 obstructive lung disease which would be consistent  
22 with an asthma COPD picture.

23 His pulmonologist has advised him that  
24 any exposure to high humidity or particles in the

1 air could precipitate an exacerbation. That it  
2 wouldn't be safe for him to function as a  
3 Firefighter. And he's also requiring  
4 bronchodilator and steroid inhalers.

5 Q Doctor, do you concur with his doctor's  
6 findings that he should not be performing duties  
7 with the Fire Department?

8 A Yes, I do.

9 MR. PINELLI: Thank you. That is all the  
10 at questions I have.

11 CHAIRMAN FORTUNA: Trustees, any  
12 questions for the doctor?

13 Hearing none, Vince.

14 MR. PINELLI: That completes the record.

15 MEMBER MURPHY: I'd like to make a motion  
16 to grant the benefits requested by Firefighter  
17 Rybakowski.

18 MEMBER TEBBENS: Second.

19 CHAIRMAN FORTUNA: There is a motion to  
20 grant by Trustee Murphy. Seconded by Trustee  
21 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, I would

12 like a motion for reexam consistent with the

13 Board's policy.

14 MEMBER SONI: Second.

15 CHAIRMAN FORTUNA: There's a motion for

16 reexam by Trustee Murphy. Seconded by Trustee

17 Soni.

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 MEMBER MURPHY: Counsel has previously  
8 sent around proposed Findings of Fact and  
9 Conclusions of Law in this matter.

10 Having had a chance to review those, I  
11 would like to make a motion to adopt those Findings  
12 of Fact and Conclusions of Law in this matter.

13 MEMBER SHERIDAN: Second.

14 CHAIRMAN FORTUNA: There's a motion to  
15 adopt the Findings of Fact by Trustee Murphy.  
16 Seconded by Trustee Sheridan.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: Yes.

21 CHAIRMAN FORTUNA: Trustee  
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 Based on the Findings of Fact and  
7 Conclusions of Law made by the Trustees, the  
8 Trustees have voted to grant you the benefit you  
9 have requested.

10 You will be notified by mail of the  
11 Findings of Fact and the Board's decision.

12 Good luck to you.

13 MR. RYBAKOWSKI: Thank you, sir.

14 MEMBER MURPHY: Mr. President, the next  
15 agenda item concerns Shan Igess, whose application  
16 for disability benefits was heard last month.

17 At that time the Board voted to deny Mr.  
18 Igess' application for Duty Disability benefits.

19 Counsel, has sent around proposed  
20 Findings of Fact and Conclusions of Law in this  
21 matter reflecting the Board's decision.

22 Having had a chance to review those, I  
23 would like to make a motion to adopt the Findings  
24 of Fact and Conclusions of Law in this matter.

1 MEMBER SHERIDAN: Second.

2 CHAIRMAN FORTUNA: There is a motion by  
3 Trustee Murphy to adopt Findings of Fact. Seconded  
4 by Trustee Sheridan.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee  
10 Conyears-Ervin.

11 Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Mr. President, moving on  
19 to Approval of Board Physician Reviews of  
20 Disability Recipients. I would like to move to  
21 approve those physician recommendations for  
22 reviews.

23 MEMBER SONI: Second.

24 CHAIRMAN FORTUNA: Motion by Trustee

1 Murphy. Seconded by Trustee Soni.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Sheridan.

5 MEMBER SHERIDAN: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, moving on

16 to B, we have a discussion of the medical

17 evaluation for Member 14829.

18 I believe Kelly was going to make a

19 presentation on this.

20 MR. WELLER: I think this is just a

21 perfunctory request because it requires a

22 Functional Capacity Evaluation which is an

23 additional cost to the Board.

24 MS. BURNS: I think what happened on this

1 matter is one of our doctors is recommending that  
2 this individual may need an FCE. The City has  
3 declined to provide that FCE so staff wanted to  
4 bring it to the Board's attention.

5 MEMBER MURPHY: Based on the doctor's  
6 recommendation, I would like to make a motion to  
7 approve sending Member 14829 for a medical  
8 evaluation to determine whether the disability has  
9 ceased.

10 MEMBER SONI: Second.

11 CHAIRMAN FORTUNA: There is a motion by  
12 Trustee Murphy. Seconded by Trustee Soni.

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee

18 Conyears-Ervin.

19 Trustee Soni.

20 MEMBER SONI: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: I am a yes.

24 Motion carries.



1                   MEMBER MURPHY: Mr. President, next we  
2 have Investments. I would like to turn this over  
3 to Lorna for the Investment Report.

4                   MS. SCOTT: We did have an Investment  
5 Committee meeting on August 31st. And good news  
6 that meeting was recorded so if you weren't able to  
7 attend and would like a recording, please let us  
8 know.

9                   Chris is still pulling up the report.

10                  Again, that education session, the  
11 Investment Committee meeting was recorded and it  
12 would count towards Trustee education hours.

13                  So, again, if would you like the  
14 recording, please let us know.

15                  The other thing I would add is as Callan  
16 wraps up its Asset Liability Study the goal is to  
17 present the results at the October meeting, if the  
18 agenda permits.

19                  So, if there isn't room in that October  
20 agenda, we may have an Investment Committee meeting  
21 at the end of October to review the Asset Liability  
22 Study. Again, just for Callan's planning, just to  
23 be aware.

24                  Here is the Investment Report. Looking

1 at the Investment agenda I have really two things  
2 to cover. It is pretty short. We are going to  
3 look at performance and then our cash position.

4 Starting with performance, so next slide,  
5 this slide shows the state of the market thus far  
6 as of August 31st and these are the eight month  
7 index returns for the asset classes where the Fund  
8 is invested.

9 Thus far 2021 is shaping up to be a  
10 really, really good year and these are some really  
11 nice returns.

12 Some themes you can see in this slide,  
13 commodities are up the most up 23 percent and we  
14 have REITS coming in second. U.S. equities on the  
15 last slide of the chart are outperforming our  
16 non-U.S. equities, which are in the middle of the  
17 chart. Within U.S. equities, value stocks have a  
18 slight lead over gross stocks and you can see large  
19 cap is outperforming small cap.

20 Those are kind of the themes of the  
21 market. The other one is fixed income and that is  
22 represented by the U.S. aggregate and that is down  
23 for the year and that is on inflation fears and  
24 rising interest rates.

1           Against that backdrop, looking at Fund  
2 performance, that is the next slide, so the Fund  
3 rose another 1.9 percent in August. That is  
4 bringing the year-to-date return for 2021 up 13.3  
5 percent this year. Outperforming the benchmark  
6 which is up 12.1 percent.

7           So far this year it is again a very, very  
8 solid year. Our long return numbers look good,  
9 too, as the fund is up 10.4 over ten years. Again,  
10 all good.

11           Let's take a few minutes to talk about  
12 the year-to-date outperformance. The next slide is  
13 attribution which explains how we were  
14 outperforming.

15           Again, we are up above the benchmark by  
16 1.3 percent. Most of that outperformance is coming  
17 from management selection and execution. That's  
18 the value added above the benchmark from active  
19 management and style tilts.

20           That outperformance is being offset a  
21 little bit by asset allocation and that is having  
22 slightly different weights in our target that we  
23 are aware of and we managed through that.

24           The next slide provides additional detail

1 on our outperformance for the year.

2 Looking at column three, we can see the  
3 Fund is up 13.3. Column four the benchmark is up  
4 12.1 and it is looking at that last column where  
5 you can really see what is contributing to the  
6 outperformance. You can specifically see it is  
7 global ex-US. It is strong performance from our  
8 active managers there and that is Brandes and LSV  
9 specifically. Both are value oriented managers and  
10 their outperformance versus the benchmark is really  
11 contributing to the outperformance of the Fund for  
12 the year. So, that's performance.

13 Next slide looks at our MWDBE allocation.  
14 No changes here. As we have discussed, we are  
15 under target for our emerging manager allocation  
16 but overall we're exceeding our targets on our  
17 total MWDBE allocation.

18 This last chart, the next chart, looks at  
19 the trend in total fund assets over time. At the  
20 far right, you can see a nice upward turn. You can  
21 see as of right now we are at the same total assets  
22 as we were in May of 2011.

23 The difference now, and that is looking  
24 ahead, is that we shouldn't have any more asset

1 reductions due to benefit payments. If anything,  
2 we are going to be seeing contributions.

3 Contributions coupled with positive performance  
4 should keep that line going up.

5 The next couple of charts have more  
6 detail specifics on returns and I am going to leave  
7 these for your review.

8 We will turn it over to Jackie and look  
9 at the cash.

10 MR. VLAHOS: As of September, we have a  
11 balance as of September 10th approximately in Chase  
12 of \$28.4 million. We are still anticipating one  
13 more salary contribution before the end of month of  
14 \$1.8 million bringing us to a total available cash  
15 of \$30.2 million or \$30.3 million. We have our  
16 benefit checks for the month of September is \$32.1  
17 million. That is a little bit higher than normal  
18 just because we do have those retro amounts  
19 included in there for benefits for this month.

20 With our outstanding checks and our  
21 office payables brings us to a total of \$34.3  
22 million for expenditures for this month.

23 So after we pay all that, we're going to  
24 need a little cash. We will be a little bit short.

1 It is leaving us with a shortage of approximately  
2 \$4 million.

3 If you go to the next slide, Chris. So,  
4 as for September, we basically got the delay for  
5 the tax receipts that are due I believe October 1st  
6 is when the people have to pay them before they are  
7 considered late.

8 So, as of September, our tax receipts are  
9 kind of trickling in not as quick as I like them  
10 to. I am hoping by the end of the month we get the  
11 \$4 million from tax receipts and then we won't have  
12 to do a drawdown.

13 As of right now, we have to go based on  
14 information we have. So with that being said, with  
15 October, we're looking at a larger amount in tax  
16 receipts, if people pay what is owed on time.

17 Leaving us with, as long as everything  
18 comes in the way it is supposed to, that we should  
19 only have to draw down the \$4.3 million this month  
20 and just do a timing. Basically because usually in  
21 December and January no tax receipts come in that  
22 we might have an anticipated \$3.4 million  
23 approximately that we might have to do in January.

24 MEMBER SONI: Jackie, I have one

1 question. This is Reshma.

2 So normally when do you need to do the  
3 draw down by? I think it is about five or six days  
4 before the end of the month but I wanted to verify.

5 MS. VLAHOS: Yes, it all depends on where  
6 we are getting the cash from. Obviously, if we are  
7 getting the cash from a manager, we would need like  
8 that five to six days like you are speaking about  
9 probably to give them time just in case they are  
10 not taking from cash, if they have to sell  
11 something. But if we do have it Northern Trust,  
12 like in a cash account, then we only actually need  
13 a few days to do the wire.

14 Lorna can talk more about that as far as  
15 I know that she does have a rebalancing template.  
16 I don't know what our cash looks like for Northern.

17 Reshma, are you anticipating anything  
18 before the end of the month?

19 MEMBER SONI: Looking at the historical  
20 data, whenever there is a due date, like here the  
21 due date is October 1st, usually the escrow  
22 companies, if they are holding escrow for property,  
23 start sending in the funds two weeks before.

24 Cook County would start seeing the funds

1 now. Like the payments being made now. And we  
2 would normally receive them probably by next week.  
3 Maybe around the 22nd or so. I know it is a bit  
4 tight on time but what we can do is when we're  
5 starting to see those funds coming through,  
6 obviously, we send the funds over in a day, but  
7 just to give you a heads up if we get any  
8 notification so you know what is coming over.

9 MS. VLAHOS: Reshma, you spoke about the  
10 escrows for it being October 1st. Were they  
11 notified then this year it was October 1st or maybe  
12 it was last year were they not notified? Were they  
13 still thinking it was the original due date just  
14 because even though we had that October 1st due  
15 date it seems like the cash still came in in  
16 August. A lot of it did. Do you know if maybe  
17 like the escrows didn't know last year that there  
18 was an extension?

19 MEMBER SONI: Last year? I think last  
20 year what it was the date was still August 1st but  
21 people had a grace period of two months so a lot of  
22 the companies were not exactly sure what that meant  
23 and they were sending the funds. This year we  
24 received the date being set at October 1st.



1 MR. VLAHOS: Thanks. That makes perfect  
2 sense then. Great.

3 MS. SCOTT: Looking at rebalancing, this  
4 sheet shows the value as of September 9th. If you  
5 scroll to the bottom of the page, you can see we  
6 have cash at Northern of \$14.3 million and Jackie  
7 needs \$4.3 million. And so the plan is to transfer  
8 that \$4.3 million as it is needed. We do not need  
9 to sell securities for this. We can be very  
10 flexible on whether we transfer this \$4.3 million  
11 out or not. We don't have to do that until the  
12 last business day of the month. So there is really  
13 room to actually not do this transfer or do this  
14 transfer. It doesn't really impact us much at all  
15 because the cash is available at Northern.

16 Let's take a few minutes to look at our  
17 asset allocation versus the targets. The last  
18 column shows our variance versus the target.

19 Within equities, looking at the  
20 difference within equities, we are above target in  
21 public equities and that is offset by being under  
22 target in private, with a slight overweight to  
23 equities. Then we are under target in real assets  
24 and liquid diversifying and that is offset by being

1 above target in cash.

2 Again, these differences are small. We  
3 are not expecting big performance differences  
4 versus the benchmark due to the asset allocation  
5 differences. In general summary, we are broadly in  
6 range.

7 Again, no motion is needed as we have the  
8 cash available and we're not selling securities.

9 That kind of sums everything up. We  
10 covered performance. We looked at cash and asset  
11 allocation. With that, I conclude the Investment  
12 Report.

13 CHAIRMAN FORTUNA: Any questions?

14 Hearing no questions, thank you, very  
15 much.

16 MEMBER MURPHY: Mr. President, I would  
17 like to move to Item 7, Administrative Expenses for  
18 Board Review. I would like to make a motion to  
19 approve the Administrative Expenses as they were  
20 presented.

21 MEMBER SHERIDAN: Second.

22 CHAIRMAN FORTUNA: There is a motion by  
23 Trustee Murphy. Seconded by Trustee Sheridan.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Moving on to the  
11 Executive Director's Report, Kelly.

12 MR. KELLER: So we are having a great  
13 summer. Things are moving along. The legislature  
14 has pushed out quite a few pieces of legislation  
15 for us to contemplate and we will talk a little bit  
16 about that as I move through my report.

17 The first thing I want to do since it is  
18 the first agenda item is talk about the training  
19 log that we passed back in July.

20 Lorna has provided me with some updates  
21 that I think are important to include. This is  
22 just essentially a re-vote to update the training  
23 log and it includes the Callan College products.  
24 One is the 26th through 28th, which is a virtual

1 offering. Also offering some version of that  
2 in-person on December 1st and 2nd. Lorna has the  
3 specifics on that, if anybody wants to look at it.

4 They are included in our service contract  
5 with Callan. The cost of attending those are  
6 included in our service contract.

7 The other piece that was provided to me  
8 is one I am not familiar with but I looked at the  
9 agenda and it looks pretty good so I am comfortable  
10 with adding it for you to contemplate. That is  
11 sponsored by ValueEdge Advisors the 2021 public  
12 fund forum out in San Diego.

13 It is a good agenda. If somebody wants  
14 to consider it, take a look at it, and we'll make  
15 that happen.

16 With that, Mary Pat, I think all I need  
17 here is just a motion to update the training log  
18 accordingly.

19 MS. BURNS: Yes, sir.

20 MEMBER MURPHY: I would like to make a  
21 motion to approve the revised Trustee education and  
22 training opportunities as presented and to approve  
23 all related expenditures consistent with Fund  
24 policies.

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 Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 MEMBER MCPHILLIPS: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MR. KELLER: Thank you.

15 The second piece of this is just more an  
16 update. I have been asked to make sure that we  
17 have a training log that is available to certify  
18 that the eight hours of training was done for each  
19 of the Trustees through 2021.

20 I have also been told that Covid does not  
21 change any of that so we do have to get our eight  
22 hours in.

23 There are some mandatory ones that I am  
24 going to be pushing out. I know the Trustees that

1 sit on multiple boards are probably going to have  
2 this documented. You just need to let me know  
3 accordingly.

4 I am going to have a tab set up for each  
5 of you. As you do this training or I push out  
6 training, just send me back the certifications and  
7 I will complete the logs.

8 Lorna mentioned that we have had two  
9 investment seminars. All of that time that  
10 Trustees spent in those two educational sessions I  
11 am logging and we're keeping that. As you reach  
12 your goal for eight hours by the end of year, we  
13 will keep you updated. I probably will have  
14 something to you in the next week or so as I work  
15 through that template and get it pushed out. If  
16 you're going to attend something, let me know.

17 CHAIRMAN FORTUNA: Thank you very much.

18 MEMBER MURPHY: Moving on to Legal  
19 Update. Mary Pat, is there anything?

20 MS. BURNS: No, sir, there is nothing to  
21 update.

22 MEMBER MURPHY: I'd like make a motion to  
23 adjourn.

24 MEMBER SONI: Second.

1 CHAIRMAN FORTUNA: There is a motion to  
2 adjourn by Trustee Murphy. Seconded by Trustee  
3 Soni.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: 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 Thank you, very much, everyone. See you  
17 next month.

18

19 (WHICH WERE ALL THE PROCEEDINGS

20 IN THE ABOVE-ENTITLED MEETING

21 AT THIS DATE AND TIME.)

22

23

24





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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF )  
MEETING NO. 1091 )

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 October 20, 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

MARK MYSLINSKI, City Treasurer's Office

MICHAEL I. PETERS, M.D., Board Physician

1                   CHAIRMAN FORTUNA:   Public Act 01-0640  
2                   allows this meeting to be conducted by audio and  
3                   videoconference.   The Act requires a roll call vote  
4                   on each matter.

5                   Further consistent with Public Act  
6                   101-0640, for the record, I am physically present  
7                   at the Fund's office as is Board Secretary and the  
8                   Executive Director.   We have posted a notice of  
9                   this meeting in accordance with the Open Meetings  
10                  Act and the meeting is being recorded.   A  
11                  transcript of this proceeding will be prepared and  
12                  ultimately, after approval, will be made available  
13                  on the Fund's website.

14                  Moving into Public Comment.   Consistent  
15                  with Public Act 91-0715 and reasonable constraints  
16                  determined by the Board of Trustees, at each  
17                  regular meeting of the Board and its committees  
18                  that is open to the public, members of the public  
19                  may request a brief time to address the Board on  
20                  relevant matters within its jurisdiction.

21                  Are there any requests for public comment  
22                  today?

23                  Hearing none, we will move on.

24                  MR. WELLER:   Mr. President, if there are



1 people who would like to speak, they need to hit  
2 star 6 to be unmuted. We will wait another second  
3 or two.

4 CHAIRMAN FORTUNA: Hearing none, we will  
5 move on.

6 MEMBER MURPHY: Thank you, Mr. President.

7 First I am going to turn to the approval  
8 of Administrative Items. Approval of the Minutes.  
9 Regular audio meetings of September 15, 2021, open  
10 and closed minutes. Regular audio meeting  
11 transcript September 15, 2021. The Executive  
12 Director Search Committee audio meeting and  
13 transcript April 8, 2021, open and closed minutes.

14 I would like to make a motion to approve  
15 the open minutes, the audio transcript, and the  
16 closed session minutes for the September 15, 2021  
17 board meeting and the April 8, 2021 Executive  
18 Director Search Committee meeting.

19 CHAIRMAN FORTUNA: Before we take that  
20 into consideration, we are going to have a quick  
21 roll call. I know people have not called in or I  
22 don't see some of our Trustees on video. Let's  
23 just quickly run through the attendance here.

24 MS. BURNS: Trustee Valencia.

1 MEMBER VALENCIA: Here.

2 MS. BURNS: Trustee Tebbens.

3 MEMBER TEBBENS: Here.

4 MS. BURNS: Trustee Sheridan.

5 TRUSTEE SHERIDAN: I am here.

6 MS. BURNS: Trustee Soni.

7 Trustee Conyears-Ervin.

8 MEMBER CONYEARS-ERVIN: Here.

9 MS. BURNS: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Here.

11 MS. BURNS: Trustee Murphy.

12 MEMBER MURPHY: Here.

13 MS. BURNS: Trustee Fortuna.

14 CHAIRMAN FORTUNA: Here.

15 MS. BURNS: Sir, you have a quorum.

16 CHAIRMAN FORTUNA: Secretary Murphy,  
17 please, go ahead.

18 MS. BURNS: You had a motion on the table  
19 for the minutes.

20 CHAIRMAN FORTUNA: There is a motion. Is  
21 there a second?

22 MEMBER VALENCIA: Second.

23 CHAIRMAN FORTUNA: There is a motion by  
24 Trustee Murphy. Seconded by Trustee Valencia.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee McPhillips.

9 MEMBER MCPHILLIPS: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: The next item on the  
17 agenda is the semi-annual review of the closed  
18 session minutes as required by Section 2.06 of the  
19 Open Meetings Act.

20 Based on the recommendations of Fund  
21 counsel, I make a motion to keep open the closed  
22 minutes and keep the remainder of the closed  
23 minutes closed, as set forth in the memo to the  
24 Board from counsel dated October 20, 2021.

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MEMBER SHERIDAN: Second.

CHAIRMAN FORTUNA: There is a motion by  
Trustee Murphy. Seconded by Trustee Sheridan.  
Trustee Murphy.

MEMBER MURPHY: Yes.

CHAIRMAN FORTUNA: Trustee Sheridan.

MEMBER SHERIDAN: Yes.

CHAIRMAN FORTUNA: Trustee  
Conyears-Ervin.

MEMBER CONYEARS-ERVIN: Yes.

CHAIRMAN FORTUNA: Trustee McPhillips.

MEMBER MCPHILLIPS: Yes.

CHAIRMAN FORTUNA: Trustee Tebbens.

MEMBER TEBBENS: Yes.

CHAIRMAN FORTUNA: Trustee Valencia.

MEMBER VALENCIA: Yes.

CHAIRMAN FORTUNA: And I am a yes.

Motion carries.

MEMBER MURPHY: Moving on to B, I'd like  
to make a motion to approve the Minimum Formula  
Annuities starting with Member 15550 and ending  
with Member 11788.

MEMBER CONYEARS-ERVIN: Second.

1                   CHAIRMAN FORTUNA:  There is a motion by  
2  Trustee Murphy.  Seconded by Trustee  
3  Conyears-Ervin.

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 McPhillips.

12                  MEMBER MCPHILLIPS:  Yes.

13                  CHAIRMAN FORTUNA:  Trustee Tebbens.

14                  MEMBER TEBBENS:  Yes.

15                  CHAIRMAN FORTUNA:  Trustee Valencia.

16                  MEMBER VALENCIA:  Yes.

17                  CHAIRMAN FORTUNA:  And I am a yes.

18                  Motion carries.

19                  MEMBER MURPHY:  Moving on to C, I'd like  
20  to approve the Widow Annuities starting with Member  
21  10079 through Member 09399.

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 Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee McPhillips.

9 MEMBER MCPHILLIPS: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Moving on to D, Refunds  
17 of Contribution. I would like to make a motion to  
18 approve Refunds starting with Member 14191 through  
19 Member 20114.

20 MEMBER VALENCIA: Second.

21 CHAIRMAN FORTUNA: There is a motion by  
22 Trustee Murphy. Seconded by Trustee Valencia.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.  
2 MEMBER SHERIDAN: Yes.  
3 CHAIRMAN FORTUNA: Trustee  
4 Conyears-Ervin.  
5 MEMBER CONYEARS-ERVIN: Yes.  
6 CHAIRMAN FORTUNA: Trustee McPhillips.  
7 MEMBER MCPHILLIPS: Yes.  
8 CHAIRMAN FORTUNA: Trustee Tebbens.  
9 MEMBER TEBBENS: Yes.  
10 CHAIRMAN FORTUNA: Trustee Valencia.  
11 MEMBER VALENCIA: Yes.  
12 CHAIRMAN FORTUNA: And I am a yes.  
13 Motion carries.  
14 MEMBER MURPHY: Item E, Death Benefits.  
15 I would like to make a motion to approve the Death  
16 Benefits for Member 100079 through Member 12033.  
17 MEMBER MCPHILLIPS: Second.  
18 CHAIRMAN FORTUNA: There is a motion by  
19 Trustee Murphy. Seconded by Trustee 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 McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: Trustee Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Under F, Partial

12 Payments. I would like to make a motion to approve

13 the Partial Payments beginning with Member 10079

14 and continuing through Member 06622.

15 MEMBER MCPHILLIPS: Second.

16 CHAIRMAN FORTUNA: There is a motion by

17 Trustee Murphy. Seconded by Trustee McPhillips.

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 McPhillips.  
2           MEMBER MCPHILLIPS:  Yes.  
3           CHAIRMAN FORTUNA:  Trustee Tebbens.  
4           MEMBER TEBBENS:  Yes.  
5           CHAIRMAN FORTUNA:  Trustee Valencia.  
6           MEMBER VALENCIA:  Yes.  
7           CHAIRMAN FORTUNA:  And I am a yes.  
8           Motion carries.  
9           MEMBER MURPHY:  Under G, there are no  
10          Benefit Recalculations this month.  
11                    Under H, there are no Requests For  
12          Permission this month.  
13                    Moving to I, Removals.  I'd like to make  
14          a motion to approve the Removals starting with  
15          Kevin Barry and ending with Nicholas Inguanti.  
16           MEMBER SHERIDAN:  Second.  
17           CHAIRMAN FORTUNA:  Motion by Trustee  
18          Murphy.  Seconded by Trustee Sheridan.  
19           Trustee Murphy.  
20           MEMBER MURPHY:  Yes.  
21           CHAIRMAN FORTUNA:  Trustee Sheridan.  
22           MEMBER SHERIDAN:  Yes.  
23           CHAIRMAN FORTUNA:  Trustee  
24          Conyears-Ervin.

1 MEMBER CONYEARS-ERVIN: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Moving on to Section 3,  
11 the Administrative and Court Orders. I'd like to  
12 move that the Administrative and Court Orders  
13 listed in the docket for Members 011126, 011335 and  
14 014191 be approved, based on staff's representation  
15 that the required paperwork is in order.

16 MEMBER CONYEARS-ERVIN: Second.

17 CHAIRMAN FORTUNA: There is a motion by  
18 Trustee Murphy. Seconded by Trustee  
19 Conyears-Ervin.

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 McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: Trustee Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Moving on to disability  
12 applications. Our first application, we have  
13 Firefighter Tuggle.

14 MR. PINELLI: Mr. Tuggle, are you on the  
15 line?

16 MR. TUGGLE: Yes. Present.

17 MR. PINELLI: You can hear us and we can  
18 hear you, correct?

19 MR. TUGGLE: Correct.

20 MR. PINELLI: Let the record reflect this  
21 is the hearing on the application for the Line of  
22 Duty Disability benefit being made by Firefighter  
23 Johnny Tuggle.

24 Good morning, Mr. Tuggle. As you have

1       been told, I am one of the attorneys for the  
2       Pension Fund. I will be conducting this hearing  
3       for the record.

4               I'd like to advise you of some  
5       preliminary matters before we start the evidence on  
6       your application.

7               First of all, there is a quorum of  
8       members of the retirement board present, that is at  
9       least five members. From the roll call it sounds  
10      like there is currently seven members on the line  
11      at this time.

12              If you don't know you should know, you  
13      need the yes vote or affirmative vote of at least  
14      five of the those Trustees in order to receive this  
15      benefit per the Pension Code. Do you understand  
16      that?

17              MR. TUGGLE: Yes.

18              MR. PINELLI: I also see from the record  
19      that you do not have an attorney that filed an  
20      appearance on your behalf. Is it your desire to  
21      proceed with this hearing without an attorney?

22              MR. TUGGLE: Yes.

23              MR. PINELLI: Lastly, if you don't know  
24      you should know that it is the applicant's burden

1 of proof to present sufficient evidence to the  
2 Board in order for the Board to grant the benefit  
3 that the applicant is seeking. Do you understand  
4 as the applicant it is your burden of proof to  
5 present sufficient evidence to the Board?

6 MR. TUGGLE: Yes.

7 MR. PINELLI: By way of procedures, I am  
8 going to start by asking you some questions under  
9 oath. The Board Members may or may not have  
10 questions of you. Then I will call some other  
11 witnesses to testify, including the Board's  
12 physician consultant, Dr. Peters, as well as  
13 another member of the Fire Department that I  
14 believe is also present.

15 If there is anything I don't ask those  
16 witnesses in my questions that you think is  
17 important for the Board to know, please let me know  
18 and you would be given that opportunity to ask them  
19 any additional questions. Do you understand the  
20 procedures?

21 MR. TUGGLE: Yes. Let me make that  
22 clear, you said if I need to ask any questions that  
23 wasn't asked at that time I would say I have  
24 something to say?

1 MR. PINELLI: Yes, sir, that is correct.  
2 When I am finished and the Board is finished asking  
3 questions, if you wish to ask additional questions,  
4 just let me know and then you will be given an  
5 opportunity.

6 MR. TUGGLE: Okay.

7 MR. PINELLI: Then we are ready to  
8 proceed. Is Dr. Peters on the line as well?

9 DOCTOR PETERS: Yes.

10 MR. PINELLI: Doctor Peters and  
11 Firefighter Tuggle, could you both raise your right  
12 hands?

13 (Witnesses sworn.)

14 JOHNNY TUGGLE

15 a witness herein, having been first duly sworn, was  
16 examined and testified as follows:

17 EXAMINATION

18 BY MR. PINELLI:

19 Q Sir, for the record, would you please  
20 state your name and spell your last name?

21 A Johnny Tuggle. My last name is  
22 T-u-g-g-l-e.

23 Q Mr. Tuggle, what is your rank with the  
24 Fire Department?

1           A     Firefighter EMT, First Responder.

2           Q     What was your last assignment before you  
3 went on layup?

4           A     Engine 60.

5           Q     Sir, you should have been provided a copy  
6 of Board Exhibits 1 through 13 before this hearing  
7 date. Did you receive such exhibits?

8           A     Yes, I received those exhibits.

9           Q     Did you have an opportunity to review  
10 them?

11          A     Yes, I reviewed them.

12          Q     Do you have any objection to their  
13 admission into the record for the Trustees to  
14 consider as part of your application?

15          A     No.

16                 MR. PINELLI: Thank you.

17                 Mr. Chairman, I would move for admission  
18 of Board Exhibits 1 through 13, without objection  
19 from the applicant.

20                 CHAIRMAN FORTUNA: Admitted without  
21 objection.

22                 MR. PINELLI: Thank you.

23                 (Board Exhibits 1 through 13 were  
24 admitted into evidence.)

1 BY MR. PINELLI:

2 Q Finally, Mr. Tuggle, did you have any  
3 additional exhibits that you wanted to present to  
4 the Board, other than those Board Exhibits?

5 A Only exhibit I have, I wasn't sure if  
6 they were going to be in touch with the Captain for  
7 a witness so I end up getting a record of the  
8 journal, the company journal, where he wrote his  
9 statement down on so I didn't know.

10 Q We do have a copy of the 160 so when we  
11 get to his testimony we will explore that further  
12 if necessary, okay?

13 A Okay.

14 Q Now, sir, let's start with your  
15 application that you filed with the Board under  
16 oath. You are seeking this disability based upon  
17 an injury that you say you sustained on August 10th  
18 of 2020; is that correct?

19 A That is correct.

20 Q Understanding that the Board has your  
21 written statement, could you please just briefly  
22 describe for them where you were and what caused  
23 you the injury that you are claiming as the basis  
24 of your application?



1           A     At the time that this -- that I went on  
2 layup from the Fire Department, I was at Engine 60,  
3 and that was on August 10, 2020. I was at Engine  
4 60. And you asked me to explain what happened,  
5 right, that is correct?

6           Q     Yes, sir, please, if you would.

7           A     At that time -- during the course of our  
8 day, when I come into work, normally at a certain  
9 time of day, at 0800 we have a mask drill.

10                   During that mask drill, all the members  
11 take the harness with the oxygen off the rig and we  
12 set it up so we can inspect the rig to make sure it  
13 is working properly so when we catch a fire we make  
14 sure the tank is working properly and we're ready  
15 for work.

16                   After we did the mask drill, I pulled the  
17 tank off my back to set it down to readjust my  
18 straps so I could put the tank back on the rig.  
19 The rig is the engine.

20                   Once I lifted it up off the floor and I  
21 reached it up over my head to put it back on the  
22 rack inside the rig, that is when I felt a pain,  
23 sharp pain, in my back.

24                   So I went to sit down in front of the rig

1 and the Captain asked me what happened. At that  
2 time I explained to him that I felt a sharp pain in  
3 my back and it was going down my leg. He asked did  
4 I want to go to the hospital in the ambulance and I  
5 said yes.

6 At that time Ambulance 38 I think --  
7 yeah, Ambulance 38 took me to Rush Hospital I  
8 believe.

9 Q Now could you just tell us for the record  
10 the name of the Captain that you spoke to?

11 A Captain Crowley.

12 Q Now was he your normal -- strike that.  
13 You were assigned to Engine 60 for how long before  
14 this incident?

15 A How long before that incident? Like how  
16 many years was I at Engine 60?

17 Q Yes, sir.

18 A Engine 60 is my regular house so I am not  
19 sure how long because I switched houses so many  
20 times. I want to say I was at 60 for I think at  
21 least two years. I was at a different engine  
22 company before that. I want to say at least two  
23 years.

24 Q During that two years was Captain Crowley

1 always your captain or was he just your captain on  
2 that day?

3 A On that particular day, Captain Crowley  
4 was in there for my lieutenant, Lieutenant Brandon.  
5 At the time Captain Crowley was working for my  
6 lieutenant. Normally Captain Crowley is on I want  
7 to say the second shift. So I worked the first  
8 shift.

9 Q So I understand, the first shift, what  
10 are the hours of the first shift? In other words,  
11 when do you start the first shift or when did you  
12 start the first shift, what time?

13 A The Fire Department work three different  
14 shifts; one, two, three. All shifts begin at seven  
15 o'clock. From seven to seven in the morning. So  
16 the shift starts at seven o'clock in the morning  
17 until seven in the morning next day.

18 Q Thank you. You injured your lower back  
19 as you just described, correct?

20 A That is correct.

21 Q Can you just for the benefit of those of  
22 us who don't know the tank you are referring to  
23 that is an air tank; is that correct?

24 A That is correct. That is an air tank

1 that is connected to a harness.

2 Q Just ballpark, how much does that weigh,  
3 do you know?

4 A About a 50-pound tank. About 50-pound  
5 tank not including the harness.

6 Q Were you lifting the harness and the tank  
7 at the same time or just the tank?

8 A That is correct. The tank is placed  
9 inside the harness so you can wear the tank on your  
10 back. Yes, I was lifting the harness and the tank  
11 at the same time.

12 Q Any idea what the harness weighs?

13 A The harness I'd have to say maybe 20  
14 pounds, maybe.

15 Q Thank you. Now this back injury -- prior  
16 to this date, you had injuries to your lower back  
17 before; isn't that correct?

18 A Yes. Back in 2017.

19 Q The records indicate in March of 2017 you  
20 laid up for a lower back injury, right?

21 A Right. That is what the doctor told me,  
22 it was a lower back injury. I told him I thought  
23 it was the piriformis muscle. He said that is  
24 related so it is technically a back injury so yes.

1           Q     Now that back injury that you had in  
2     2017, was that the first time you ever had an  
3     injury to your lower back?

4           A     Yeah, that was the first time back in  
5     2017, that was the first time I had a lower back  
6     injury.

7           Q     How did that injury occur? What caused  
8     you that injury?

9           A     Back then at that time, when I woke up  
10    that morning, which is stated in my Board Exhibit  
11    pack. I said that I woke up to Doctor Cheng. When  
12    I went to see him, I stated that I woke up that  
13    morning with a back pain. I woke up that morning  
14    and I went to work with pain. My lieutenant at the  
15    time looked at me. He asked me was I okay and did  
16    I want to go on layup. I said, no, I will be fine.

17                   I worked the whole day, my whole 24  
18    hours, in pain that day and after that day the next  
19    morning I went to the emergency room and once I  
20    left -- the emergency room gave me Toradol shot and  
21    I ended up seeing Doctor Cheng for another visit.

22                   Doctor Cheng, after he saw me, he  
23    examined me, and that is when he told me that it  
24    wasn't my piriformis muscle. He told me that it

1 was the lower back issue and he asked me did I play  
2 any sports. At that time, I said, well, I compete  
3 in Brazilian Jiu Jitsu but that is not how this  
4 happened. I told you I woke up this morning like  
5 that. And then after he further examined my back,  
6 that is when he told me it was probably sciatica.

7 But then he sent for a MRI and on my next  
8 visit and he looked at the MRI, he said it wasn't a  
9 herniated disc. He said my vertebral height and  
10 the disk space was preserved and I didn't have any  
11 stenosis.

12 So he asked me did I want a steroid shot.  
13 I said, no. Can I do chiropractic therapy? Do you  
14 have a suggestion for that? And that is when I  
15 ended up going to the chiropractor and that is when  
16 I started seeing Dr. Knox for chiropractic therapy.

17 She did this traction therapy on my back,  
18 along with stretching and flexion. I didn't have  
19 any steroid shots back then. I didn't have any  
20 pain management back then. I just did regular  
21 chiropractic therapy. Four months later I was back  
22 at work.

23 Q A couple of followup questions, if I  
24 might. With respect to the Brazilian Jiu Jitsu,

1 that is a contact sport; is that correct?

2 A No, that is more like -- it is -- it's  
3 more like wrestling. Where you manipulate  
4 different body parts so it is not like kicking and  
5 punching. None of that. No flipping or tossing.  
6 It is pretty much like wrestling.

7 Q How long had you been engaging in that  
8 prior to March of 2017?

9 A At that time it was like five years.

10 Q How regularly would you engage in it? In  
11 other words, was it something you did every week, a  
12 couple of times a week? How often would you engage  
13 in it?

14 A I did that three times a week. The other  
15 times I was at work so I did it three times a week.

16 Q Was it a competitive sport? Did you  
17 compete in tournaments and things like that?

18 A Yes. I stated that to Dr. Cheng at the  
19 time. I told him I competed in Brazilian Jiu  
20 Jitsu.

21 Q When you started it five years before  
22 2017, so around 2012 approximately, until the date  
23 of this March 2017 injury, did you ever injure your  
24 back engaging in Jiu Jitsu?

1           A     During the year of 2017, 2012 to 2017,  
2     did I ever injure my back?

3           Q     Doing Jiu Jitsu, correct.

4           A     No, I have never had a back injury doing  
5     Jiu Jitsu. All of my injuries as stated in this  
6     exhibit pamphlet shows all of my injuries that I  
7     sustained doing my Jiu Jitsu I had two triceps  
8     injuries. I had a shoulder injury. I had a knee  
9     injury. Other than that, I have never hurt my back  
10    doing Jiu Jitsu.

11          Q     Now, so you mentioned that you went  
12    through some conservative treatment in 2017 and you  
13    were able to return to work approximately in May of  
14    2017; is that correct?

15          A     That is correct. April, May, yeah, that  
16    is correct.

17          Q     Then we get into 2018, you had a shoulder  
18    injury; is that correct?

19          A     That is correct. That was from the  
20    Brazilian Jiu Jitsu incident, I had a shoulder  
21    injury.

22          Q     But no part of that incident was a back  
23    injury, is that correct, or not?

24          A     No, that was strictly a shoulder injury.



1           Q     All right. Then you went back to work  
2 after that and you continued to work. Did you lay  
3 up at any time after 2018 and before this incident  
4 you have testified to on August the 10th of 2020?

5           A     No. After my shoulder injury, and I  
6 returned to work, that was that shoulder injury.  
7 After that shoulder injury, the only other incident  
8 that came up was the incident involving this  
9 present back injury.

10          Q     The records indicated that you went to  
11 Rush Oak Park Hospital on August the 8th of 2020,  
12 which was two days before this August the 10th  
13 incident. Is that accurate, that you did go to  
14 Rush?

15          A     That is correct.

16          Q     The reason you went to Rush, according to  
17 the records from Rush, is that you were having  
18 lower back pain that was radiating down your right  
19 leg; is that correct?

20          A     That is correct. I went there on August  
21 the 8th for that reason.

22          Q     And when you went there on August the  
23 8th, did you report to the emergency room that the  
24 pain had started the night before while you were on

1 shift, so that would have been 8-7; is that  
2 correct?

3 A That is correct. I told them that I did  
4 it at work on the 7th.

5 Q Yes. But you also told them it was not a  
6 result of a specific incident or injury on the 7th,  
7 correct?

8 A Say that again.

9 Q You also told the emergency room that the  
10 pain in your back that started on the 7th was not  
11 the result of a duty incident, correct?

12 A Right. Yeah, I told them it wasn't a  
13 result of a duty injury, that is correct. I told  
14 them it happened when I was going up the stairs  
15 later that night at eight o'clock.

16 Q So then you arrived at the hospital, Rush  
17 Oak Park, at 6:30 or so in the morning the day  
18 after your shift; is that correct?

19 A That is correct. I finished my shift out  
20 and that morning I got up and I made it to my car  
21 and I realized that I needed to go to the emergency  
22 room because the over-the-counter medications I had  
23 been taking at work, I took -- I iced it. It  
24 didn't seem to get better so I drove myself to the

1 emergency room on the 8th.

2 Q Was the 8th a workday? Were you supposed  
3 to be working that day or not?

4 A No, the 7th was the workday so I was off  
5 on the 8th.

6 Q Would you have been off on the 9th as  
7 well then, too? So your next regular shift would  
8 have been the 10th, correct?

9 A That is correct.

10 Q So you drove yourself on your off day at  
11 6:30 in the morning to Rush for treatment for lower  
12 back pain, which you just described, and they gave  
13 you some medications and so forth for it; is that  
14 correct?

15 A Yes, they gave me a Toradol shot. They  
16 gave me a prednisone patch. They gave me a  
17 lidocaine patch and they gave me some kind of  
18 medication and they released me to go back to work.

19 Q So then you did go back to work on the  
20 10th and according to your testimony your shift  
21 would have started at seven o'clock on the 10th; is  
22 that correct?

23 A It starts at seven o'clock but most  
24 firemen come to work at six o'clock in the morning

1 so I made it to work at six o'clock in the morning.

2 Q Then this mask drill that you engaged in,  
3 that was at about eight o'clock or so, correct?

4 A That is correct, that is the 0800 mask  
5 drill.

6 Q Between the time you arrived at the  
7 station until this mask drill, did you have any  
8 calls that you went on or were you in the station  
9 the whole time?

10 A No. During that time I was in the  
11 station. When we come to work, we eat breakfast as  
12 firefighters. So we eat breakfast. After  
13 breakfast we generally have roll call.

14 Q You didn't have any calls you went on  
15 before this incident, correct?

16 A No. No. That is correct.

17 Q Just a few more questions here. Was  
18 anybody else present at the time that you were  
19 lifting the tank that you saw? Fire personnel that  
20 were around you when you were lifting the tank,  
21 that actually saw you lifting the tank.

22 A Well, one of the guys that is on the  
23 engine with me, Firefighter Peoples, was there that  
24 day. So all the members were there present. But

1 at that time I was standing next to Firefighter --  
2 I think Firefighter Peoples was on-duty. So he --  
3 I am not sure if he was actually looking at me when  
4 it happened but when I made a noise, like ah my  
5 back, that is when he asked me and the captain  
6 asked me what just happened and then I told them.  
7 So I can't say positively he saw me but he was  
8 definitely there standing next to me.

9 Q Thank you. Now with respect to that  
10 emergency room visit on August the 8th of 2020, the  
11 Fire Department Medical Section records do not  
12 refer to that. Did you not tell them about that?

13 A At that time you mean on the -- I don't  
14 understand. I didn't tell them about that when? I  
15 told them about -- they asked me for those records  
16 at some point in time. They asked me -- they asked  
17 me did I go to the emergency room on that day. I  
18 say, yeah, and they said we don't have those  
19 records. That is when I went out there to the  
20 hospital where I went and I retrieved those records  
21 and I sent them off to them because they didn't  
22 have them.

23 Q So you eventually got them the records  
24 from that emergency room visit; is that correct?

1           A     That is correct. I went out on my own.  
2     I went and got the records and then I faxed them  
3     back to the lady that was in charge of the records.

4           Q     Now, sir, you were interviewed by Dr.  
5     Peters, who is the Fund's consultant, the Fund's  
6     doctor, right, a month or so ago?

7           A     That is correct.

8           Q     He asked you all about your treatment  
9     history; is that correct?

10          A     That is correct.

11          Q     When he interviewed you, did you tell him  
12     in that interview about the August 8th emergency  
13     room visit or not?

14          A     I don't recall telling him anything about  
15     that visit because when he called me he said he was  
16     about to ask me a series of questions about my  
17     injury and we proceeded from there so I don't  
18     recall talking about August 8th.

19          Q     Could you just tell the Board briefly in  
20     your own words what is the current condition of  
21     your back with respect to any limitations or pain  
22     that you are experiencing now?

23          A     Currently -- since I had that  
24     conversation with Doctor Peters, at the time I told

1 him that my pain was only in my right side butt and  
2 I think I recall telling him it was starting to  
3 travel to the left side. Now currently my pain is  
4 in both sides of my butt. It is a nerve pain in my  
5 butt and that nerve pain is such a pain where I  
6 can't sit for long periods of time. I can walk  
7 better than I can sit but walking is like limited.  
8 At a certain while I have to sit down and rest, if  
9 I am doing any kind of work around the house. Like  
10 outside in the garden or a lot of bending up and  
11 down, then I start aggravating the nerve pain in my  
12 butt. Mostly it is the nerve pain in my butt. My  
13 back pain is more often when I am sitting in a  
14 chair too long.

15 So I am constantly moving around in the  
16 house, different couches, different chairs. Moving  
17 up and down. So my pain is still at a level where  
18 if I am sitting more than five minutes, I am  
19 uncomfortable.

20 If I'm driving longer than 15, 20  
21 minutes, I am uncomfortable. I am still having  
22 that same nerve pain in my butt area. As far as my  
23 leg pain, it don't really run down my leg. It is  
24 just persistent in my butt mostly and in my lower

1 back depending how long I am sitting. So I am  
2 still dealing with that pain.

3 My sleep, I used to be able to lay down  
4 for a time but now I have to lay in the bed for a  
5 little while and I get up. My sleep is totally  
6 off. I get -- at best I will get three hours of  
7 sleep a night. I am in and out of my sleep all  
8 night long so I don't get myself to sleep.

9 Ever since they took me off of the  
10 physical therapy -- my physical therapy was cutoff  
11 August 10th. They took me off payroll. My  
12 insurance lapsed. My physical therapy ended.

13 Now since I haven't been doing any  
14 physical therapy, it was starting to get worse. I  
15 decided I need to do something to help myself.

16 I was doing weight training. What they  
17 call work conditioning at physical therapy. I was  
18 doing that before they stopped my physical therapy.

19 So my weight training in physical therapy  
20 I was doing squats, lunges, dead lifts, lifting  
21 things over my head. I was doing things that was  
22 required of me to do at work in physical therapy so  
23 I was doing work therapy.

24 I was doing a lot of things at therapy



1 that I would be doing at work. They had me going  
2 up the ladder with my sledge hammer. They had me  
3 walking around with heavy things in my hands. I  
4 was doing all these things at physical therapy,  
5 that was a regular schedule for me.

6 Once that ended, now here I am stuck. I  
7 decided I needed to do something to help myself to  
8 get back to work, to get back to the way I was,  
9 because my quality of life had been greatly  
10 diminished.

11 So at that time I decided I needed to  
12 find me a place where I can resume my physical  
13 therapy. I sought out a place like 30 miles from  
14 my house so I could continue my physical therapy  
15 because the Fire Department cut me off. So I  
16 couldn't just sit around and wait for, what, this  
17 hearing and then start regressing back to a severe  
18 issue.

19 So I decided I had two options and  
20 another option was to find physical therapy. Do it  
21 on my own. And that is when I found a facility  
22 that had the equipment I needed and I continued my  
23 physical therapy.

24 Q Are you engaging in that now currently?

1           A     Yes, I have been going to physical  
2     therapy. I have been doing my own physical  
3     therapy. I waited for a couple of weeks after my  
4     physical therapy was cutoff because I thought maybe  
5     it would start back up and it didn't. I was  
6     getting worse.

7                     Currently, yes, I do my physical therapy  
8     on my own.

9           Q     What is the name of the location you  
10    attend for that?

11          A     It is a LA Fitness in Evanston. I travel  
12    almost an hour, 30 miles, to get to that place,  
13    just so I can help myself get back to normal.

14          Q     Is that a program that is being run by a  
15    physical therapist or are you just working out on  
16    your own at that facility?

17          A     No, that is -- I workout. I do all of  
18    the things I was doing in physical therapy. They  
19    have all the machines that I need, back machines,  
20    to help my back get better. Yes, that is what I  
21    do, I go to a gym that has the proper equipment.

22          Q     Despite that physical therapy that you're  
23    doing, you're still experiencing these limitations  
24    that you just described?

1           A     Yes.  Whenever I was doing the physical  
2     therapy, I was always experiencing pain while I was  
3     doing the physical therapy but I still had to do  
4     what I needed to do to get back to work.  Even  
5     though I am doing the exercises in physical therapy  
6     then and now, it is still -- I still have pain but  
7     what happens is once I finish my whole workout in  
8     physical therapy, and even now after some time,  
9     maybe a hour or so, then my adrenalin goes down and  
10    the pain is back to where it was.  When I am doing  
11    my physical therapy, my pain is not as bad.

12           Q     Okay.

13           A     So it still hurts a little bit.

14           Q     Do you take medication for the pain when  
15    you do experience it?

16           A     Yes, I take Gabapentin mixed with  
17    Naproxen.  I was just doing the Gabapentin by  
18    itself until Dr. Fisher told me that I needed to  
19    take the Naproxen because I told him the Gabapentin  
20    wasn't working at the time.  He said that I needed  
21    to take Naproxen with it.

22                     Once I started to take the Naproxen and  
23    the Gabapentin twice a day, then it started helping  
24    me to relieve some of the pain.  I was able to

1 sleep a little bit better at night.

2 Q Okay. There's an indication in the  
3 records that Dr. Fisher recommended you have a  
4 radiofrequency ablation sometime. Did you undergo  
5 that or not yet?

6 A Are you talking about the shot?

7 Q No. You did have shots, I saw that, but  
8 he ordered what is called a radiofrequency  
9 ablation, which I think is an electrical  
10 stimulation type procedure.

11 A Oh, no. No, he didn't order that. On my  
12 last visit with him, I had already had three shots  
13 with him. So my fourth visit we started talking  
14 about -- he asked me how I was doing after the  
15 third shot. I told him it helped a little bit  
16 more. He said, oh, that is good. Well, since that  
17 helped -- what we will do, he said, we will do  
18 another shot, a fourth shot. I said a fourth shot?  
19 He said, yeah. If that don't work, he said, maybe  
20 we can look at some surgery. I said what kind of  
21 surgery? He said, you know, like burning the  
22 nerves or we can do a fusion. I asked him what was  
23 burning the nerves? Maybe that is what he was  
24 talking about but we never talked about actually

1 doing that on a particular day.

2 My next visit should have been a shot on  
3 August the 25th. I never did get that shot because  
4 it wasn't approved. It would never have been  
5 approved because they took me off of payroll and I  
6 didn't have any more insurance so that means who  
7 was going to pay for that?

8 So I never did get that shot done that I  
9 was supposed to have. I didn't have no more  
10 insurance so.

11 Q I understand. Thank you. Finally, since  
12 you went on layup, have you engaged in any  
13 activities by which you earn income?

14 A Oh, no. Like another outside job?

15 Q Yes.

16 A No, I don't have any other jobs.

17 Q Have you engaged in any sporting  
18 activities? I am not talking about physical  
19 therapy but I am talking about Jiu Jitsu or any  
20 other sporting activities since you went on layup?

21 A No. No. My last time I even went to a  
22 Jiu Jitsu school was back in March of 2019. After  
23 that I stopped my payments to that school so -- and  
24 I have actual records of when I stopped my payments

1 to that school.

2 Actually, somebody called me sometime ago  
3 and asked me that very question and gave me any  
4 sports or Jiu Jitsu. And I was kind of shocked  
5 that she used the word Jiu Jitsu because nobody  
6 would use that term unless they live in that world.

7 So I told her, I said, no, I used to be  
8 doing Jiu Jitsu but I don't do that anymore.

9 MR. PINELLI: Thank you, sir. That is  
10 all the questions I have. Now I will turn it over  
11 to the Board.

12 CHAIRMAN FORTUNA: Trustees, any  
13 questions?

14 MEMBER MCPHILLIPS: No questions.

15 CHAIRMAN FORTUNA: Hearing none, Vince.

16 MR. PINELLI: Then I think we are  
17 supposed to have a witness who is available on the  
18 line. I am hoping Captain Crowley is on the line?

19 CAPTAIN CROWLEY: This is Doug Crowley.

20 MR. PINELLI: Thank you. Can you hear  
21 me, sir?

22 CAPTAIN CROWLEY: I sure can.

23 MR. PINELLI: Thank you, sir.

24 I am one of the attorneys for the Pension

1 Fund. I have a few questions for you.

2 CAPTAIN CROWLEY: What is your last name?

3 MR. PINELLI: Vince Pinelli.

4 CAPTAIN CROWLEY: Thank you.

5 MR. PINELLI: Before we start your  
6 testimony, could you please raise your right hand?

7 (Witness sworn.)

8 DOUGLAS CROWLEY

9 a witness herein, having been first duly sworn, was  
10 examined and testified as follows:

11 EXAMINATION

12 BY MR. PINELLI:

13 Q Could you just state your name for the  
14 record?

15 A My name is Douglas Crowley.

16 Q What is your current rank with the Fire  
17 Department?

18 A I am a captain.

19 Q What is your current assignment?

20 A My current assignment is Engine 60 on the  
21 second shift.

22 Q Directing your attention to August the  
23 10th of 2020, do you recall if you were working at  
24 Engine 60 on that day?

1           A     I was indeed.

2           Q     Do you recall what shift you were  
3 working?

4           A     The first shift.

5           Q     Was that because you were filling in for  
6 somebody else?

7           A     I don't exactly remember. I have the  
8 journal page on my phone, also, I can toggle to it,  
9 that should give you a rationale of why Marlin  
10 wasn't normally there. It could have been  
11 something as simple as me working off shifts  
12 overtime or it could have been a trade but I do not  
13 remember.

14          Q     That is really not important. The point  
15 is simply that you were working the first shift so  
16 thank you for that.

17                   Were you familiar with Firefighter Tuggle  
18 prior to that date?

19          A     I knew Firefighter Tuggle was assigned to  
20 the first shift prior to that day.

21          Q     Had you ever worked with him on a shift  
22 before that day?

23          A     I think I did once. I wouldn't remember  
24 the exact date and I think I would have been



1 working on the first shift again.

2 Q Okay. Back to August 10th at or about  
3 sometime in the morning about eight o'clock or so,  
4 were you present when he reported an injury?

5 A I was indeed.

6 Q Can you tell the board members, to the  
7 best of your recollection, where you were and just  
8 what you recall about that?

9 A So at 0800 we do the mask drill, which is  
10 where every fireman tests to insure that their mask  
11 functions, the SCBA mask that provides ambient air  
12 to them in the event of a fire.

13 Typically when that is happening, I am  
14 standing in a large circle at the front of the rigs  
15 on the south end of the firehouse facing the  
16 engine.

17 The reason for that is for supervision.  
18 It is for me to watch everyone doing the mask  
19 drill. See if any of the firemen have difficulty  
20 doing the motor skills of testing the mask out.

21 It is really to inject the plan of the  
22 day. That is where we talk about the housework  
23 schedule and anything else going on during the day  
24 so I would have been standing there.

1           Q     Okay. Did something occur or did he  
2 bring something to your attention about his  
3 condition?

4           A     He did indeed. I can give you the exact  
5 language written in the journal.

6           Q     Just so the record is clear, you have  
7 been provided with a copy of the journal from that  
8 day?

9           A     No, I was not. I took it upon myself to  
10 drive to the firehouse and take a screenshot of the  
11 journal page for August 10th.

12          Q     You have that with you right now, that is  
13 what you are reading?

14          A     I do indeed.

15          Q     Thank you, sir. Go ahead.

16          A     And the journal entry just states,  
17 "During SCBA inspection, Firefighter Tuggle  
18 reported feeling a pop and sharp lower back pain  
19 while returning the SCBA back to the brackets in  
20 the cab.

21                   My next actions were to notify the OMEC  
22 and Battalion and Ambulance 38 transported  
23 Firefighter Tuggle to Rush for further evaluation."

24          Q     So, as you sit here today, you don't have

1 an independent recollection of actually seeing him  
2 lifting the tank. You just have a recollection of  
3 the report that he had been injured while doing it.  
4 Is that correct?

5 A That is correct. You know, you have to  
6 be on and off the brackets. I wouldn't witness  
7 every single fireman doing that. The cab doors  
8 would be open. I would be standing in a place  
9 where I wouldn't have direct line of sight of that.

10 Q Okay, that's fine. Then Firefighter  
11 Tuggle testified to the approximate weight of the  
12 tank at about 50 pounds and the harness maybe  
13 another 20 pounds. Based on your experience, does  
14 that sound about accurate?

15 A I would say the harness and tank together  
16 weigh less than 45 pounds. But, you know, that is  
17 just from experience.

18 Q That is an approximation. I understand.  
19 Thank you.

20 He was transported by ambulance from  
21 there and I take it then you didn't see him back at  
22 work at any time after that; is that correct?

23 A No. I haven't seen him since, to be  
24 truthful.

1           Q     Do you recall seeing him at the time,  
2           though, that he was -- you know, right before he  
3           was placed in the ambulance or so forth? Did you  
4           talk to him I guess is a better question?

5           A     I didn't have an extended conversation  
6           with him. Usually what happens is a lot of the  
7           guys they kind of show up between the hours of six  
8           and seven and then they have their own  
9           responsibilities.

10                     Their first responsibility is actually to  
11           look at me and say, hey, I am here. I am ready to  
12           go. And then they have to take the other  
13           firefighters' gear off and install their gear on.  
14           Start to maintain an inventory of the rigs to make  
15           sure everything is there for service.

16                     It wouldn't be like I was having a  
17           meeting with him or any sort of extended  
18           conversation.

19           Q     Right. My question, I'm sorry, it wasn't  
20           a good one. Directing you to after he had the  
21           incident and before he left in the ambulance, did  
22           you talk to him or observe him at all after the  
23           incident, that you remember?

24           A     No.

1 MR. PINELLI: Okay. Thank you, sir, that  
2 is all the questions I have. I will turn it over  
3 to the Board, if the Board has any questions.

4 CHAIRMAN FORTUNA: Trustees, any  
5 questions?

6 MEMBER MCPHILLIPS: No questions.

7 CHAIRMAN FORTUNA: Thank you.

8 MR. PINELLI: Firefighter Tuggle, do you  
9 have any followup questions?

10 CAPTAIN CROWLEY: Gentlemen, I am hanging  
11 up.

12 MR. PINELLI: Thank you, Captain. We  
13 appreciate your time.

14 MR. TUGGLE: Actually, I do have  
15 something.

16 MR. PINELLI: Unfortunately, I think we  
17 just lost the captain.

18 MR. TUGGLE: He said he was hanging up.

19 MR. PINELLI: He is not on the line.

20 MR. TUGGLE: He said he was hanging up.  
21 He said he was leaving.

22 MR. PINELLI: Right. Okay.

23 MR. TUGGLE: I do actually have something  
24 to followup, something else to say.

1 MR. PINELLI: Hold on. I will give you  
2 that opportunity. Is this something you want to  
3 say about the incident, what occurred at that time?

4 MR. TUGGLE: Yeah, it's also surrounding  
5 the incident. You asked me did I have something  
6 else to say or ask or something like that.

7 MR. PINELLI: Yes. Do you have something  
8 you would like to add?

9 MR. TUGGLE: I just have something to say  
10 about the whole -- you know, I guess it applies to  
11 the incident.

12 MR. PINELLI: Okay. Well, could you just  
13 hold that. Let me finish with the doctor and then  
14 I will give you that opportunity. Is that okay?

15 MR. TUGGLE: Right.

16 MR. PINELLI: Okay. At this time then I  
17 would call Dr. Peters to testify.

18 (Witness previously sworn.)

19 MICHAEL I. PETERS, M.D.

20 a witness herein, having been first duly sworn, was  
21 examined and testified as follows:

22 EXAMINATION

23 BY MR. PINELLI:

24 Q Sir, would you please state your name?

1           A     Michael I. Peters.

2           Q     You are a physician; is that correct?

3           A     Yes, sir, that is correct.

4           Q     Is a copy of your qualifications as a  
5 doctor attached to the board exhibits?

6           A     Yes, it is.

7           Q     Do you perform a function as a consultant  
8 to this fund?

9           A     Yes, I do.

10          Q     In that capacity, do you review medical  
11 records, examine or interview applicants and report  
12 to the Board?

13          A     Yes, I do.

14          Q     Did you follow that procedure with  
15 respect to Firefighter Tuggle?

16          A     Yes.

17          Q     Did you file a written report with the  
18 Board that is marked as Board Exhibit Number 2?

19          A     Yes, I did.

20          Q     Doctor, when you interviewed him -- is  
21 what you did an interview versus an exam?

22          A     We did a phone interview because of the  
23 pandemic.

24          Q     Right. When you interviewed him was the

1 information he provided to you complete and  
2 consistent with the medical records that you had in  
3 your possession at that time?

4 A It was all consistent, except for the  
5 part about the August 8, 2020 Rush Oak Park ED  
6 visit.

7 Q What was lacking with respect to that?

8 A There was no mention of the ED visit from  
9 Firefighter Tuggle. And when I asked him about any  
10 back pain episodes since 2017 when he laid up until  
11 August 10th of 2020 when he lifted his air pack he  
12 said no.

13 Q Okay. Doctor, you reviewed the medical  
14 records; is that right?

15 A Yes, I did.

16 Q And in those records, it indicates he's  
17 had two MRIs of his lower back. One was in 2017  
18 after that layup for back pain, right?

19 A Yes. April 2017.

20 Q Right. And then he had one in September  
21 of '20 after the August '20 incident; is that  
22 correct?

23 A September 28, 2020, yes.

24 Q Now what did those MRIs show with respect



1 to the condition of his lower back?

2 A That from the levels of his lumbar spine  
3 between L-3 to S-1, he had mild to moderate  
4 impingement of nerve roots on the right side and  
5 mild impingement at a different level of his spinal  
6 cord.

7 Q Was there also a comment in there with  
8 respect to the differences between the two MRIs, if  
9 they showed any progression or differences from the  
10 '17 to the '20 MRI?

11 A There wasn't significant change.

12 Q How would you characterize the nature of  
13 those conditions in his back? In other words, are  
14 they degeneration? What are they indicative of?

15 A The time course of his first injury and  
16 the first MRI to his August 10th reported injury  
17 and the second MRI a month later would suggest that  
18 this is a chronic degenerative condition.

19 Q That is causing him pain?

20 A Yes.

21 Q Now the incident he described on the  
22 10th, removing the air tank and lifting it and so  
23 forth, is that an incident or is that conduct that  
24 could contribute to exacerbation of that

1 degenerative condition causing subsequent pain?

2           A     I think lifting his air pack, removing  
3 his air pack from his back and swinging it up and  
4 putting it up on the bracket, is something that  
5 could flare an underlying condition. I don't think  
6 the air pack and the bracket weighed -- I don't  
7 think the tank and the bracket weighed 70 pounds.  
8 The captain didn't think it weighed 70 pounds. I  
9 don't think that weighs 70 pounds. I don't know  
10 the exact weight.

11                     Could it flare an underlying condition,  
12 yes.

13           Q     Regardless of the weight of it, just  
14 doing that movement with the weight, could that  
15 cause some kind of a flare-up in the degeneration?

16           A     Yes.

17           Q     Based upon your experience, would you  
18 expect that to be a permanent condition of acute  
19 pain or would you expect it to resolve?

20           A     I think it's likely that could cause a  
21 flare. I don't think it's likely that it would  
22 cause a permanent pain condition or permanent  
23 radiating pain condition.

24           Q     Did you find any evidence of any other

1 objective testing or evidence in the record that  
2 would explain the cause of his current pain, other  
3 than the degenerative condition you mentioned in  
4 his spine?

5 A No, I did not.

6 Q Is any doctor currently recommending  
7 surgical intervention for his back?

8 A Firefighter Tuggle mentioned that during  
9 his last visit the physician talked about the  
10 possibility of a radiofrequency ablation or  
11 possibly surgery but no specific plans or a  
12 specific surgical recommendation was made in the  
13 records that I saw.

14 Q Now did you eventually obtain the records  
15 from the 8-8 emergency room visit that he had prior  
16 to this incident?

17 A Yes. Those records were provided to me  
18 after our phone interview.

19 Q Did you review them?

20 A Yes.

21 Q What if any indication did they have for  
22 you with respect to the condition of his lower  
23 back?

24 A Well, the history provided -- the history

1 that was recorded by the ED physician at Oak Park  
2 confirmed that there was a flare of low back pain  
3 two days before with radiation down the leg and  
4 possibly weakness of the right leg. Mentioning  
5 that the leg had given out. It suggested that the  
6 pain -- the flare had started two days before the  
7 10th. Actually on the 7th, the evening of the 7th  
8 at work, without a specific duty mechanism of  
9 injury.

10 Q Now, based upon everything you reviewed,  
11 is it possible for you to reach an opinion to a  
12 reasonable degree of medical certainty whether the  
13 cause of his current pain to the extent he's  
14 reporting it is the result of the August 10, 2020  
15 incident or the natural progression of his  
16 degenerative condition in his back or something  
17 else?

18 A I don't think it's likely that the  
19 episode with the mechanism he described on August  
20 10th of '20 would be causing essentially permanent  
21 or chronic low back pain, radicular symptoms. I  
22 don't think that is likely.

23 I think it's likely that it caused a  
24 flare. My expectation would be that would have

1 improved by now and I don't think that it's likely  
2 that was an acute event to cause a big change in  
3 his underling degenerative problems. I think the  
4 problem is his underlying degenerative disk  
5 disease. I don't think it is likely that the air  
6 pack incident caused a permanent problem.

7 MR. PINELLI: Thank you, doctor, that is  
8 all the questions I have.

9 CHAIRMAN FORTUNA: Trustees, any  
10 questions for Dr. Peters?

11 Hearing none, Vince.

12 MR. PINELLI: Mr. Tuggle, before Dr.  
13 Peters leave the call, do you have any questions  
14 for him?

15 MR. TUGGLE: Yes, I have actually a  
16 couple of things to say about that day. He said he  
17 asked me a question about had I had any prior back  
18 incidences prior to August 10, 2020 other than  
19 2017. At that time I said, no, I didn't have any  
20 prior back incidence but at that time my mind was  
21 thinking my pain from that day. So my mind didn't  
22 go back to the 8th I am guessing because the 8th  
23 when I was -- actually, the 7th when it happened.  
24 The 7th, when I hurt my back and ended up going to

1 the emergency room that day, when it actually  
2 happened it was such a mundane situation and I  
3 ended up going to the emergency room. They gave me  
4 medicine for it and over the weekend I slept the  
5 whole weekend. I woke up fine, no pain, no aches,  
6 no nothing. So I didn't think to say, oh, yeah, by  
7 the way, you know, I had a back injury on this day.  
8 I wasn't even thinking like that when he asked me  
9 that question. He asked did I have anything prior  
10 from August 10, 2020 to 2017. So my mind actually  
11 went all the way back to 2017 and I was like no.  
12 So other than that 2017 event, I wasn't even  
13 thinking at all and so they reminded me. Oh, the  
14 incident. I wasn't even thinking about that. It  
15 is not like I was trying to purposely omit that  
16 situation that happened on the 8th. I just wasn't  
17 thinking about that incident at all because my mind  
18 just went straight back to 2017.

19 Other than that, he said that -- he said  
20 a question about my vertebrae and as far as did it  
21 get worse from 2017 to 2020. And I think -- I  
22 think I am pretty sure he said it was a  
23 progression. Because as it is stated Dr. Cheng, in  
24 Exhibit 9E.3, Dr. Cheng said the vertebral disk

1 space was preserved and I didn't have any stenosis.  
2 So that would show that further down the road in  
3 2020 that there was a progression and Dr. Peters  
4 said it is not likely that it could be exacerbated  
5 -- I think it -- he said it is not likely that it  
6 could be permanent damage and it is not likely --  
7 he said it probably can flare-up is the word. It  
8 can flare-up. Flaring up is a matter of I am  
9 guessing taking inflammatory drugs to make it go  
10 down. I have had numerous shots, strong shots,  
11 Toradol. I had three -- what do you call it --  
12 Prednisone Dosepaks and all this medicine.

13 He said a flare-up. I am pretty sure,  
14 according to the doctor, that you read this whole  
15 manual, I don't know if he read the whole manual,  
16 but Dr. Fisher, my therapist, constantly wrote in  
17 this big packet that the pain level that I was  
18 having was always at least an eight.

19 I don't know why he called it just a  
20 flare-up and it's likely that it didn't happen the  
21 way I said it happened. You can sneeze and throw  
22 your back out. You can bend over and pick up a ten  
23 pound weight and throw your back out. These things  
24 happen.

1           As a firefighter, I have a very  
2 physically demanding job that requires for me to  
3 lift a lot of heavy weight. As a firefighter, we  
4 repeatedly put stress on our skeleton everyday.  
5 Accidents happen. Injuries happen. This is an  
6 occupational hazardous job.

7           That being said, this stress, all this  
8 weight on my skeleton, this stress can damage the  
9 spine over time.

10           To say it is hardly likely that this is a  
11 cause -- that this degenerative situation is like  
12 ongoing.

13           No, I have weight on my back every time I  
14 go to work. When you add age into that equation,  
15 you're bound to sustain some type of injuries  
16 during your career as a firefighter.

17           And actually studies say that a lot of --  
18 there is a lot of variables that can cause  
19 stenosis. Posture, weightbearing down on your  
20 skeleton and aging.

21           It sounded like he was possibly saying  
22 that it wasn't likely that I hurt myself with the  
23 tank. He continued to say that. It doesn't matter  
24 the weight. People do a lot of things that hurt



1 their back just moving the wrong way and throwing  
2 their back out and end up having a pinched nerve.

3 My pain is severe to the point where I am  
4 on meds regularly. If you look at the paperwork,  
5 you can see the problem. He said it is highly  
6 likely I just have a flare-up. So I don't  
7 understand why he called it just a flare-up. That  
8 totally confused me because it is in the doctor's  
9 paperwork.

10 MR. PINELLI: I appreciate that. I  
11 guess, Dr. Peters, do you wish to have any comment  
12 on that? It wasn't really a question. It was more  
13 a statement, which I understand, and that's fine,  
14 Mr. Tuggle. The Board is listening.

15 Dr. Peters, do you have any response to  
16 that?

17 DOCTOR PETERS: I think that I respect  
18 Firefighter Tuggle's pain complaint. I don't in  
19 any way intend to minimize the fact that he's  
20 reporting pain. But the question you are asking me  
21 is specifically related to whether the incident on  
22 August 10th is likely to cause a permanent ongoing  
23 pain problem and my professional opinion is no.

24 Even though all of his physicians and the

1 physical therapists have documented pain levels,  
2 that is a subjective complaint. Not to say that he  
3 doesn't have pain but it is a subjective complaint.  
4 It is not an objective measure.

5 My opinion regarding degenerative disease  
6 is really based on the MRI findings, which I  
7 consider to be objective.

8 So the question you asked is it likely  
9 that the August 10th incident caused what he has  
10 now? I would say my opinion is that that is  
11 unlikely and that is why I used the word flare.

12 I would expect lifting an air pack or  
13 lifting anything heavy could cause an exacerbation  
14 of an underlying back issue. Yes, I think that can  
15 happen.

16 I don't think it's likely given his  
17 disease state that a year later he would still be  
18 having radiating pain, that was my opinion. I  
19 didn't mean to in any way say that he doesn't  
20 experience pain.

21 MR. PINELLI: Okay. Thank you, doctor.

22 Mr. Tuggle, you have made a lot of points  
23 to the Board and they will consider those. I think  
24 the evidence is concluded, unless you have

1 something further to present.

2 MR. TUGGLE: It sounded like to me it is  
3 of the opinion of a single doctor that that event  
4 didn't cause my situation. I don't understand why  
5 he is saying that it couldn't have caused my  
6 situation lifting that tank, that makes no sense to  
7 me, and he's throwing in the degenerative disease  
8 situation where everybody ages. Everybody's back  
9 degenerates over time.

10 I am 58 years old so I don't understand.  
11 Does he really think at age 58 my bones is going to  
12 be the same as when I was 20? Highly unlikely,  
13 that would never happen.

14 Everybody has this degenerative situation  
15 going on in their back. It is not fair to make  
16 like a thing I have a degenerative problem that has  
17 been ongoing so that is probably the underlying  
18 problem. I don't think so.

19 The problem is I went to work on that day  
20 doing my duties as a firefighter. Before that mask  
21 drill even took place, that officer, he had to  
22 check every individual and make sure that they are  
23 physically fit for duty, that is part of his job  
24 description. He checked us. He made sure

1 everybody was physically fit for duty. I was  
2 physically fit for duty until prior to that  
3 incident where I lifted that tank up.

4 According to Dr. Peters, that couldn't  
5 have happened lifting that tank up.

6 MR. PINELLI: I don't mean to cut you  
7 off, Firefighter Tuggle. Your point is well taken.  
8 The doctor has given his opinion, a medical  
9 opinion. He's not saying you weren't injured that  
10 day. He just can't give an opinion to a certainty  
11 that that injury, that incident, caused your  
12 current pain, that is all he is saying.

13 I think at this point you have made your  
14 point. It will be up to the Board to decide on the  
15 issue of causation. That is a Board decision, it  
16 is not the doctor's decision. It is the Board's  
17 decision to make after they hear all the evidence,  
18 including your testifying and your statements.

19 Okay?

20 MR. TUGGLE: Right.

21 MR. PINELLI: Okay.

22 MS. BURNS: The record may reflect that  
23 Trustee Conyears-Ervin had to leave the hearing  
24 during the presentation.

1 MR. PINELLI: Okay.

2 MEMBER SONI: This is Trustee Soni. I  
3 was here at the beginning of the presentation.

4 MS. BURNS: Thank you, Trustee Soni.

5 MR. PINELLI: Nothing further. I believe  
6 the evidence is concluded.

7 MEMBER MURPHY: I would like to make a  
8 motion to go into executive session pursuant to  
9 Section 2(c)4 of the Open Meetings Act.

10 CHAIRMAN FORTUNA: There is a motion by  
11 Trustee Murphy to go into closed session.

12 MEMBER MCPHILLIPS: Second.

13 CHAIRMAN FORTUNA: Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

18 MEMBER SONI: Yes.

19 CHAIRMAN FORTUNA: Trustee McPhillips.

20 MEMBER MCPHILLIPS: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 We are now in closed session.

4 (Whereupon, the Board went into  
5 Executive Session off the record.

6 No action was taken in Executive  
7 Session.)

8 MEMBER MURPHY: I'd like to make a motion  
9 to grant the benefits requested by Firefighter  
10 Tuggle.

11 MEMBER MCPHILLIPS: Second.

12 CHAIRMAN FORTUNA: There is a motion to  
13 grant. Seconded by Trustee McPhillips.

14 Trustee Murphy.

15 MEMBER MURPHY: No.

16 CHAIRMAN FORTUNA: Trustee Sheridan.

17 MEMBER SHERIDAN: No.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: No.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: No.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: I am a no.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: No.

2 CHAIRMAN FORTUNA: And I am a no.

3 Motion carries.

4 MEMBER MURPHY: Mr. President, I'd like  
5 to make a motion to deny the benefits requested by  
6 Firefighter Toggle.

7 MEMBER MCPHILLIPS: Second.

8 CHAIRMAN FORTUNA: There is a motion to  
9 deny by Trustee Murphy. Seconded by Trustee  
10 McPhillips.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1           Mr. Tuggle, sir, based on the evidence  
2           that we have heard and considered, the Trustees  
3           have voted to deny your benefit that you have  
4           requested. You will be notified by mail of the  
5           Findings of Fact and the Board's decision. Thank  
6           you.

7           MR. TUGGLE: Do I have a chance to come  
8           back at another date with a lawyer?

9           MS. BURNS: No, sir. You had a right to  
10          have an attorney present for this hearing, and  
11          Vince asked you at the beginning, if it was your  
12          election to proceed without an attorney.

13          You do have the right to get an attorney  
14          and to appeal the Board's decision to the Circuit  
15          Court of Cook County. You need to do that within  
16          35 days of being notified of the Board's decision,  
17          which you haven't gotten yet, so the clock hasn't  
18          started running.

19          We also are going to reach out to you  
20          after the meeting at the request of several of the  
21          Trustees on the board to explain to you other  
22          options as well, because you do have certain  
23          options under the Pension Code.

24          So you will be hearing from staff and



1 from Vince Pinelli after this meeting and we can  
2 give you more detail so that you can take whatever  
3 action you deem is in your best interest.

4 Thank you, sir.

5 MEMBER MCPHILLIPS: Mary Pat, thank you  
6 for explaining that to him. I thought you did a  
7 good job.

8 MS. BURNS: Thank you, sir. We'll make  
9 sure we followup.

10 MEMBER MURPHY: Mr. President, your next  
11 applicant is Firefighter EMT Michael Lopez, if he  
12 is available.

13 CHAIRMAN FORTUNA: Michael Lopez.

14 MR. LOPEZ: Yes, sir.

15 MR. PINELLI: Good morning, Mr. Lopez.

16 I am one of the attorneys for the Pension  
17 Fund. I would like to advise you of some  
18 preliminary matters before we begin evidence.

19 First of all, for the record, this is an  
20 application by Mr. Lopez for an Ordinary Disability  
21 benefit being made on today's date.

22 Mr. Lopez, there are currently seven  
23 trustees present to hear the evidence on your  
24 application. If you don't know you should know you

1 need the yes vote of at least five of those  
2 Trustees in order to receive this benefit. Do you  
3 understand that?

4 MR. LOPEZ: Yes, I do.

5 MR. PINELLI: The record seems to  
6 indicate that you do not have an attorney  
7 representing you. Is it your desire to proceed to  
8 today's hearing without an attorney?

9 MR. LOPEZ: Yes, it is.

10 MR. PINELLI: Lastly, it is the  
11 applicant's burden of proof to present sufficient  
12 evidence to the Board in order for the Board to  
13 grant the benefit that the applicant is seeking.  
14 Do you understand it is your burden of proof?

15 MR. LOPEZ: Yes, I do.

16 MR. PINELLI: Then by way of procedures,  
17 I am going to start by asking you some questions  
18 under oath. The board members may or may not have  
19 questions of you. Then I will proceed to call the  
20 Fund's physician consultant Dr. Peters. If there  
21 is anything I don't ask him that you think is  
22 important for the Board to know, please let me know  
23 and you will be given that opportunity. Do you  
24 understand the procedures?

1 MR. LOPEZ: Yes, I do.

2 MR. PINELLI: Okay. Then is Dr. Peters  
3 on the line?

4 DOCTOR PETERS: Yes.

5 MR. PINELLI: Thank you. Mr. Lopez and  
6 Dr. Peters, could you both please raise your right  
7 hands?

8 (Witnesses sworn.)

9 MICHAEL LOPEZ

10 a witness herein, having been first duly sworn, was  
11 examined and testified as follows:

12 EXAMINATION

13 BY MR. PINELLI:

14 Q Mr. Lopez, what is your current rank with  
15 the Fire Department?

16 A Firefighter EMT.

17 Q What was your last assignment before you  
18 went on layup?

19 A My last assignment was at headquarters at  
20 the Division of Safety.

21 Q Prior to today's date, did you receive a  
22 copy of the exhibits from the Board staff?

23 A I did. I am looking at it right now.

24 Q Did you have the opportunity to review

1       them?

2               A     I did.

3               Q     Do you have any objection to their  
4 admission into the record?

5               A     No, I do not. I lived through it. I  
6 remember it. I do not deny anything in these  
7 pages.

8                       MR. PINELLI: Very good, thank you.

9               Mr. Chairman, I move for admission of  
10 Board Exhibits 1 through 11 without objection from  
11 the applicant.

12                       CHAIRMAN FORTUNA: Admitted without  
13 objection.

14                               (Board Exhibits 1 through 11 were  
15 admitted into evidence.)

16 BY MR. PINELLI:

17               Q     Sir, you entered service with the Fire  
18 Department in 2005?

19               A     Correct.

20               Q     You are currently experiencing some  
21 injuries that are preventing you from returning to  
22 work; is that correct?

23               A     That is correct.

24               Q     Just briefly describe, if you would, for

1 the members of the Board, what your current  
2 condition is with respect to any limitations and so  
3 forth that you are experiencing.

4 A I have a fracture of the fifth metatarsal  
5 of the left foot also known as a Jones fracture.

6 Q Did you develop that condition since you  
7 have been in service with the Fire Department?

8 A Well, yes. It is a fracture. It came  
9 about earlier this year sometime. It is a stress  
10 fracture.

11 In the discussion with Dr. Peters, I  
12 didn't really feel the actual injury occur so I  
13 can't pinpoint a date. But the problem is at the  
14 present time it is preventing me from working.

15 Q Are you undergoing treatment for it?

16 A Yes, I am. Actually, I was in a boot for  
17 a while. I have been removed from the boot as the  
18 swelling has subsided. I went under swelling  
19 treatment, that includes wrapping it, wrap therapy,  
20 at Palos Hospital, twice a week, and I have seen my  
21 doctor frequently. I have an appointment with Dr.  
22 Jim Geiger on Friday and I have another appointment  
23 with the orthopedic doctor, on I believe it is  
24 November 8th, Dr. Brian DeFrino.

1           Q     Since you went on layup for this injury,  
2     have you engaged in any activities by which you  
3     earn income?

4           A     No, I have not.

5           Q     Have you engaged in any sporting  
6     activities?

7           A     No, I have not.

8           MR. PINELLI: Thank you. That is all the  
9     questions I have.

10          CHAIRMAN FORTUNA: Trustees, any  
11     questions?

12                     Hearing none, Vince.

13          MR. PINELLI: Thank you. I would call  
14     Dr. Peters.

15                                     (Witness previously sworn.)

16                     MICHAEL I. PETERS, M.D.

17     a witness herein, having been first duly sworn, was  
18     examined and testified as follows:

19                                     EXAMINATION

20                                     BY MR. PINELLI:

21           Q     Sir, please state your name.

22           A     Michael I. Peters.

23           Q     You're a physician; is that correct?

24           A     Yes.

1           Q     A copy of your qualifications are  
2 attached to the Board Exhibits?

3           A     Yes, it is.

4           Q     You perform a function as a consultant to  
5 this fund?

6           A     Yes, I do.

7           Q     In that capacity, do you review medical  
8 records, examine applicants and report to the  
9 Board?

10          A     Yes.

11          Q     And in some instances you can't examine  
12 them due to the pandemic so do you interview them  
13 instead?

14          A     Yes.

15          Q     Did you follow that procedure with  
16 reflect to Mr. Lopez?

17          A     Yes, I did.

18          Q     Did you file a written report with the  
19 Board that is marked as Board Exhibit Number 2?

20          A     Yes.

21          Q     Was the information that he provided to  
22 you consistent with the records that you reviewed?

23          A     Yes, it was.

24          Q     Can you briefly summarize for us the

1 current condition with respect to his left foot?

2 A Firefighter Lopez, because of  
3 long-standing diabetes, has peripheral vascular  
4 disease as well as neuropathy.

5 Because of the vascular disease, he has  
6 had amputations of his right great toe, the first  
7 toe, his left fourth toe which had a chronic ulcer  
8 requiring a plastic surgeon to put a skin flap. It  
9 eventually did heal after he had an angioplasty of  
10 an artery in his left leg.

11 From a neuropathy standpoint, the normal  
12 protective reflexes of when you walk to keep you  
13 from rolling a foot or adjusting your foot on an  
14 uneven surface doesn't exist anymore for him.  
15 Because of that, he had a total of three different  
16 fractures on his foot. Two metatarsal fractures in  
17 the middle and then a more serious Jones fracture,  
18 which is the fracture of the fifth metatarsal. It  
19 normally requires surgery because it doesn't heal  
20 otherwise. Because of his other coexisting  
21 problems with his diabetes, the vascular disease,  
22 the neuropathy, the surgery wasn't performed so  
23 that is an ongoing recovery for him.

24 Q Based upon those conditions, would he be



1 able to perform his duties in the Fire Department?

2 A No, he wouldn't.

3 MR. PINELLI: Thank you, doctor, that is  
4 all the questions I have.

5 CHAIRMAN FORTUNA: Trustees, any  
6 questions for the doctor?

7 MEMBER MCPHILLIPS: No questions.

8 CHAIRMAN FORTUNA: Hearing no questions,  
9 Vince.

10 MR. PINELLI: Thank you. Mr. Lopez, that  
11 concludes the evidence in this matter; is that  
12 correct?

13 MR. LOPEZ: Yes. I was just curious  
14 about a question for the doctor. Obviously, at  
15 this point in time, you know, I am precluded from  
16 working. But if as time goes on and the healing of  
17 the foot, you know, becomes complete, what are my  
18 options then would you say?

19 MR. PINELLI: That is really a  
20 determination for the Fire Department, Mr. Lopez.

21 MR. LOPEZ: Okay.

22 MR. PINELLI: If your foot gets to the  
23 point where you feel that you are ready to return  
24 to work, then you can reach out to the Fire

1 Department.

2 MR. LOPEZ: To make an attempt to --  
3 sorry to cut you off. At least an attempt,  
4 depending on how my doctor's feel and how I feel.  
5 I am just curious. Thank you for your answer. I  
6 appreciate it.

7 MR. PINELLI: Nothing further.

8 MEMBER MURPHY: Mr. President, I'd like  
9 to make a motion to grant the Ordinary Disability  
10 benefits requested by Firefighter EMT Lopez.

11 MEMBER MCPHILLIPS: Second.

12 CHAIRMAN FORTUNA: There is a motion to  
13 grant by Trustee Murphy. Seconded by Trustee  
14 McPhillips.

15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Sheridan.

18 MEMBER SHERIDAN: 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 MEMBER MURPHY: Mr. President, I would  
6 like to make a motion for reexams consistent with  
7 the Board's policy.

8 MEMBER SHERIDAN: Second.

9 CHAIRMAN FORTUNA: Motion for reexam by  
10 Trustee Murphy. Seconded by Trustee Sheridan.  
11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee McPhillips.

18 MEMBER MCPHILLIPS: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1                   MEMBER MURPHY: Counsel has previously  
2 sent around proposed Findings of Fact and  
3 Conclusions of Law.

4                   I would like to 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: Motion to adopt the  
9 Findings of Fact by Trustee Murphy. Seconded by  
10 Trustee Tebbens.

11                   Mr. Lopez, can you hear me?

12                   MR. LOPEZ: Yes, I can.

13                   CHAIRMAN FORTUNA: Based on the Findings  
14 of Fact and Conclusions of Law made by the  
15 Trustees, the Trustees have voted to grant you the  
16 benefit you have requested.

17                   You will be notified by mail of the  
18 Findings of Fact and the Board's decision.

19                   Thank you and good luck to you. Come  
20 back.

21                   MR. LOPEZ: Thank you, very much.

22                   MEMBER TEBBENS: I just want to address  
23 something. I wanted to wait until after all the  
24 votes.

1           Can legal counsel advise Firefighter  
2 Lopez, if you frame the question, pending the  
3 approval of the Fire Department, how would this  
4 Board view his status of pensionable service  
5 credit?

6           Firefighter Lopez, is that something you  
7 want to know?

8           MR. LOPEZ: Yes, it is for sure.

9           MEMBER TEBBENS: Okay. If counsel can  
10 answer that question, please.

11          MS. BURNS: I don't know if you are  
12 directing that question to Vince or to me? Is your  
13 question, Trustee Tebbens, whether or not Mr. Lopez  
14 will get service credit for the period of time that  
15 he is on Ordinary Disability?

16          MEMBER TEBBENS: Well, my question to  
17 counsel, or I think what Firefighter Lopez was  
18 wondering and I confirmed that with him, pending  
19 the approval of the Department to put him back in  
20 active status, how would that affect his  
21 relationship with the Pension Fund as far as  
22 service credits and pensionable credit?

23          MS. BURNS: I am not sure, again, that I  
24 understand that question. But if I understand it

1       correctly, the Board has just granted Firefighter  
2       Lopez an Ordinary Disability benefit. He will be  
3       able to receive that benefit based on his years of  
4       service, which I believe he's got 16, 17 years of  
5       service, so he will be entitled to up to five years  
6       of service credit if he remains disable, correct,  
7       Vince?

8                   If at any point in time he goes back to  
9       work at the Fire Department, obviously, he will  
10      then start getting service credit from the Fire  
11      Department. He gets service credit while he is on  
12      Ordinary Disability.

13                   When that expires, if he has not gone  
14      back to work with the Fire Department, and the Fire  
15      Department controls the decision as to whether or  
16      not Firefighter Lopez is fit for duty, in other  
17      words the Fire Department decides not to put him  
18      back, then he would be in a no service status.

19                   MEMBER TEBBENS: Mary Pat, that is  
20      exactly what I wanted you to inform him of.

21                   MS. BURNS: Mr. Lopez, always feel free  
22      to call the Fund, if we can be of any help to  
23      answer any question that you have.

24                   MR. LOPEZ: Absolutely. Thank you, very

1 much. That clears up the answers I was looking  
2 for.

3 Thank you, Mr. Tebbens. I appreciate  
4 stepping in on my behalf to clear up that question  
5 for me.

6 MEMBER TEBBENS: Not a problem. Always  
7 welcome.

8 MEMBER MCPHILLIPS: Good luck, Mike.

9 MR. LOPEZ: Thank you, very much. Have a  
10 good day to the rest of you ladies and gentlemen.

11 MEMBER MURPHY: Moving on to 5, I would  
12 like to make a motion to approve the Board  
13 physician's recommendations for reviews.

14 MEMBER SONI: Second.

15 CHAIRMAN FORTUNA: There is a motion by  
16 Trustee Murphy. Seconded by Trustee Soni.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: 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: Trustee Valencia.

4 MEMBER VALENCIA: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Mr. President, on the  
8 Investment portion, I would like to turn this over  
9 to Lorna.

10 MS. SCOTT: My plan today is to give all  
11 of the investment time on the agenda to Brady to  
12 discuss the preliminary results of the Asset  
13 Liability Study.

14 I am so pleased that there is enough time  
15 on this month's agenda so the whole board can be  
16 involved in this discussion.

17 The Asset Liability Study generally  
18 happens every five years. So every five years we  
19 spend a little extra time on investments. It is a  
20 really important discussion as we review and set  
21 the portfolio for the years to come.

22 As Brady is sharing his screen, I will  
23 just have a few comments on my report. My report  
24 is in BoardPac for your review. These are the



1 usual charts related to performance and  
2 attribution. As well as the quarterly reports on  
3 private market cash flows and security lending.

4 If there is any questions on my report,  
5 please reach out.

6 Just to comment on performance,  
7 generally, September was rough. All of the asset  
8 classes were down, except for commodities. There  
9 is a lot of uncertainty in the market around  
10 inflation, supply chain, China.

11 In September, the Fund was down 2.4  
12 percent and that was slightly behind the benchmark  
13 which was down 2.2.

14 Year-to-date the returns remain strong so  
15 the Fund is up 10.5 percent year-to-date and it is  
16 outperforming the benchmark which is up 9.6.

17 That is my report in a nutshell and now I  
18 will turn it over to Brady.

19 MR. O'CONNELL: Thank you, Lorna.

20 I am joined today by my colleague Gary  
21 Chang, who is in our Capital Markets Research  
22 Group.

23 The Board has seen specialists from  
24 Callan from time to time as we do some of these

1 projects that require a little more specialty  
2 expertise.

3 So Gary is in that group. That group  
4 does between 20 and 30 Asset Liability Studies a  
5 year.

6 I will take the next 20 minutes to walk  
7 the Board through a summary of that report. I may  
8 ask Gary to comment, if questions come up through  
9 the course of that.

10 I did want to begin the presentation by  
11 just reinforcing a point that Lorna made, which is  
12 the importance of asset allocation.

13 So of all the investment related  
14 decisions that this Board makes, determining the  
15 asset allocation setting, the long-term asset  
16 strategy, is the most important decision that you  
17 will make.

18 So you will note in the timeline that  
19 today we're presenting you with initial findings  
20 and considerations. We will have the opportunity  
21 to review and discuss those over the coming months.  
22 Early next year, we will ask the Board to  
23 officially adopt a new asset allocation strategy.  
24 We will incorporate that into the Board's Statement

1 of Investment Policy.

2 It is a very deliberate process that is  
3 going to require some time and that time simply  
4 reflects the importance of which we place on this  
5 decision and the opportunities that we want to give  
6 the Board to ask questions about this important  
7 decision.

8 So over the course of the next several  
9 minutes, we are going to talk about kind of two key  
10 decision points that I am going to ask the Board to  
11 consider over these next months.

12 How much investment risk do we want to  
13 take? So we will look at how much risk we are  
14 taking now. We will look at how other public  
15 pension plans allocate their assets and we'll talk  
16 about how much assets the Board is comfortable with  
17 placing in illiquid investment strategies.

18 Right now the asset allocation strategy  
19 has the bulk of our assets in things that we can  
20 buy and sell on a daily basis like public stocks  
21 and bonds.

22 In 2017, we began the process of further  
23 diversifying the portfolio by adding to less liquid  
24 investment strategies like private equity and real

1 estate.

2 We have been able to ease into those  
3 allocations over the last several years as we have  
4 gotten comfort and transparency regarding the  
5 Fund's contributions. That is another critical  
6 element that we will walk through in this Asset  
7 Liability Study is evaluating the contributions  
8 that are coming into the plan now and what that  
9 means for the financial health of the plan going  
10 forward.

11 But kind of a spoiler alert, we do think,  
12 because the cash flow situation has improved  
13 considerably since we did this in 2015, that there  
14 is the possibility of adding more to less liquid  
15 assets and we think those asset classes have risk  
16 and return benefits that will improve the overall  
17 FABF portfolio.

18 With that introduction, let me just walk  
19 through a couple of these slides and the schematic  
20 is really met to illustrate what we are doing at a  
21 high level with the Asset Liability Study.

22 Most of the time when you hear us talking  
23 about investments, we're looking at the investment  
24 portfolio on its own separate from the liabilities,

1 separate from the funding mechanism.

2 When we do these reports, what we try to  
3 do is incorporate employee and employer  
4 contributions, the current benefit levels. So we  
5 get information from Segal, who is your actuary, to  
6 estimate current liabilities and model those into  
7 the future.

8 As Lorna mentioned, this is done  
9 typically on a five year basis. Sometimes we will  
10 recommend clients do it more frequently if there is  
11 a major change in any of these aspects. Either the  
12 funding policy or the benefit policy.

13 This is really why we do an Asset  
14 Liability Study to make this asset allocation  
15 decision but to do so with a thorough understanding  
16 of how cash comes into the plan and how it's being  
17 spent on benefits.

18 As I mentioned earlier, we did get  
19 information from Segal. As part of this process,  
20 we cooperate with your actuary to get the liability  
21 data.

22 If you look at the upper right-hand  
23 corner, this really has the critical information  
24 for the Board at this time at a high level.

1           For public pension plans, we often talk  
2 about a number called the funded status, which is  
3 the ratio of the assets that we have on-hand to pay  
4 benefits relative to the liabilities or a current  
5 estimate of the benefits that we need to pay into  
6 the future.

7           Right now, including receivables, our  
8 asset market value is about 1.3 billion. We owe  
9 the participants in the plan an estimated 6.6  
10 billion.

11           So that means we have got about 20 cents  
12 on the dollar or a funded ratio of 20 percent.

13           I think when we did this in 2017 it was a  
14 little bit lower. It was somewhere around 17 or 18  
15 percent. And as we will show on the coming slides,  
16 the contributions that are coming into the plan  
17 will improve the funded status but it is a very  
18 gradual process.

19           We shouldn't expect to see huge moves in  
20 the funded status of the plan without just this  
21 gradual improvement in contribution levels and  
22 having shifted to kind of a net positive cash flow  
23 position we need some time for that to accrue to  
24 the plan to see an improvement in funded status so

1 as our assets on-hand catch up with the liabilities  
2 that we need to pay.

3 This slide illustrates that phenomenon.  
4 The red or orange-ish line with dots is our  
5 projection of the plan's funded status over the  
6 next 20 years.

7 The blue line, the blue bars, represent  
8 the market value of assets and then we project a  
9 growth in the actuarial determined liability.

10 So that funded status again is that ratio  
11 of assets to liabilities. As you will see here,  
12 there is a very gradual funded status improvement.  
13 Based on Callan's numbers, we think we are going to  
14 improve to about 43 percent funded in the next 20  
15 years.

16 So from a 20 percent funded status  
17 perspective, that is a very favorable move, more  
18 than doubling our funded status.

19 At the end of the next 20 years, that  
20 still means that we have only got 43 cents for  
21 every dollar of benefits that we owe.

22 As you will hear throughout the  
23 presentation, the critical component of this plan's  
24 health improving is these contributions from the

1 City and to a lesser extent the employees  
2 continuing to come in on a regular basis.

3 As we note here at the bottom of Page 5,  
4 the contribution level is determined to pay down  
5 the unfunded liability and pay for current benefits  
6 to reach a point of 90 percent funded by year end  
7 2055.

8 It is kind of a long road that we're  
9 going to be on to get us to what is hopefully 90  
10 percent funded on or around 2055. The improvements  
11 that we'll see will be very gradual over the coming  
12 decades.

13 I will pause there for a second and see  
14 if there are any questions.

15 MEMBER MCPHILLIPS: No questions. Good  
16 job, Brady.

17 MR. O'CONNELL: This is the next slide  
18 that I think is pretty critical. Mostly to  
19 determining that second question that I am going to  
20 ask the Board to consider, which is how much we can  
21 put in less liquid investments. So higher  
22 returning, less liquid investments, can help us  
23 achieve a better return for the amount of risk.

24 What this chart shows at the end of the



1 day is how much net cash we are paying out. And  
2 the overall takeaway is it does increase over time  
3 so the cash outflow is negative so that means we're  
4 getting money in now. We have got a positive cash  
5 flow.

6 Most pension plans are in a negative cash  
7 flow situation.

8 We will move again back into a negative  
9 cash flow situation but it never gets to the point  
10 where it is huge. Based on this illustration, we  
11 think the plan does have the ability to  
12 incrementally increase the amount of illiquid  
13 investments that you can make.

14 At the end of the slide, we will show you  
15 our preliminary recommendation. But to take the  
16 anticipation out of it, we do think we can add  
17 incrementally to new asset classes that should  
18 improve expected returns.

19 Here's where we are now on Page 7, the  
20 current asset allocation strategy. We are about 60  
21 percent in publicly traded equities in both U.S.  
22 and globally, non-U.S. and emerging markets, 20  
23 percent in fixed income and 20 percent in  
24 alternatives, which we have defined fairly broadly

1 as kind of real assets, liquid diversifying assets  
2 and private equities.

3 How does that compare to other public  
4 pension plans? We try to illustrate that here on  
5 Page 8.

6 Under the column heading "FABF Current  
7 Target", this is what is in our Investment Policy  
8 Statement. We compared that to the average public  
9 pension plan just to give the trustees an idea of  
10 what others are doing.

11 Your financial conditions are unique and  
12 we want to make your asset allocation decision  
13 based on your conditions alone. But I think it's  
14 important for public fund boards and fiduciaries to  
15 always understand what other public plans are doing  
16 and have a discussion about why they may be doing  
17 that.

18 A couple of high level takeaways here.  
19 You have had more in public equities. You have had  
20 more than the average fund in U.S. and global  
21 ex-U.S. equities. You have had less in fixed  
22 income and less in alternatives.

23 Now over the past ten years, this  
24 strategy has been very beneficial to the Fund. So

1 U.S. equities in particular have performed well.  
2 Fixed income has struggled to keep up with some of  
3 these investments. So the way you have been  
4 allocated for the past ten years away from illiquid  
5 assets has really been a tailwind to the  
6 performance of the plan. But the question we're  
7 dealing with today is how do we think we are going  
8 to perform over the coming 10 and 20 years.

9 We really do think it's important to  
10 reevaluate how much is in public equities and fixed  
11 income and alternatives and really start to make  
12 more use of these tools that other public pension  
13 plans have been able to invest in because they had  
14 more certainty about their contributions or their  
15 funded status was higher so they were able to put  
16 more assets into illiquid investments.

17 We have touched a little bit on the 2017  
18 study so this is really a continuation of what we  
19 started then, which is a process of further  
20 diversifying the asset allocation strategy of the  
21 plan, reducing the amount in public equities,  
22 increasing our exposure to real assets or assets  
23 that are sensitive to inflation.

24 And, as you will hear a little bit later,

1 we also over the past couple months discussed a  
2 couple new asset classes that we will ask the Board  
3 to think about in more detail; private credit and  
4 infrastructure.

5 The concept in 2021 is really to build on  
6 what we did in 2017, which is improving the  
7 diversification of the plan.

8 We really do think you're in a position  
9 to do that now given the certainty that we have in  
10 2021 about contribution levels that we didn't have  
11 in 2016 and 2017 when we were making that decision  
12 back then.

13 In order to make these projections,  
14 Callan uses a set of assumptions about what  
15 different asset classes will return in the coming  
16 ten years.

17 There is a paper that we recently  
18 distributed to our clients that talks about how,  
19 despite having really one of the best calendar  
20 years in fiscal year asset returns in 35 or 40  
21 years, most public plans are expecting modest  
22 returns going forward and that is our message for  
23 you as well.

24 We do think it is going to be hard to

1 meet your actuarial discount rate over the next ten  
2 years. We do think over a longer time horizon,  
3 maybe 20 or 30 years, you will have no problem in  
4 exceeding that 6.75.

5 Our message for clients today is the next  
6 ten years is going to be modest because we are  
7 starting at a position of very low interest rates.

8 So you can see our assumption for core  
9 fixed income for the next ten years is a return of  
10 1.75 so very modest.

11 We have had a very good run on equities.  
12 If we get a lot of strong performance, it really  
13 means it is going to be harder to get excess  
14 returns going forward. So we have more modest  
15 expectations for many of the publicly traded asset  
16 classes, that is one of the factors playing into us  
17 recommending the Board consider new asset classes  
18 like we have highlighted here in yellow; private  
19 infrastructure and private credit.

20 This chart is a little technical but when  
21 we do this exercise we try to see if we designed a  
22 portfolio that is your current asset allocation  
23 strategy that is efficient. Meaning that for a  
24 given level of risk it gets us the highest possible

1 expected return.

2 We can measure that based on the yellow  
3 dot being on the blue line. This blue line is  
4 really a horizon. You can't move above it. You  
5 can only be below it. If you are below it, it  
6 means that you could shift your asset allocation,  
7 your mix between different asset classes, to  
8 achieve a higher return or a lower level of risk.

9 But what I want the Board to take away  
10 here is that we have got an efficient mix. It  
11 shouldn't surprise anyone. It wasn't a surprise to  
12 us. We put a lot of time and effort in designing  
13 this mix. It was using Callan's assumptions. This  
14 isn't a huge surprise.

15 But we are taking a level of risk that's  
16 very consistent with the triangle here that is  
17 labeled 4. This is a hypothetical portfolio and  
18 we're pretty much spot on it. This gets to the  
19 first question of how much risk do we want to take.

20 We're recommending you continue to take  
21 the same amount of risk that you have been taking  
22 so here we show a lot of details. Maybe just look  
23 to the bottom of the table that says Mix  
24 Characteristics.

1           Your current standard deviation or the  
2 risk estimated in your asset allocation is about  
3 13.28. That Mix 4 has a risk level of 13.27.

4           You could increase that risk level to try  
5 to increase your expected return but that would  
6 require us to reduce the amount that we have  
7 allocated to fixed income, which as we saw in the  
8 first quarter of 2020, and another market crisis  
9 can be an anchor to windward.

10           So the balance we're trying to strike is  
11 how aggressive do we want to be without the  
12 possibility of creating losses, painful losses,  
13 when risky assets pull back.

14           We do know that risky assets is a bumpy  
15 ride. So 2020 was a good example. The quarter  
16 started out with a drop in the month of March of  
17 around 30 percent and ever since then it's just  
18 been roaring back.

19           As Lorna said, we did have a slight give  
20 up in September but it is really hard to predict.  
21 About seven out of ten years the S&P 500 has had a  
22 positive return.

23           When we think about how much we put in  
24 fixed income, that is really a measure of the

1 amount of safety assets that we have in the  
2 portfolio. We have been operating with about 20  
3 percent. Going more conservative to 25 percent.  
4 Kind of makes it harder to justify that expected  
5 return that we have and we would have to lower the  
6 return that we expect from these portfolios.

7 So, in general, we think the amount of  
8 risk that you have been taking is good. We  
9 recommend that you continue to take a risk level  
10 that is around where you currently are and where  
11 this Mix 4 is.

12 Let me pause there for a second because  
13 that is one of the big kind of preliminary  
14 recommendations from today.

15 CHAIRMAN FORTUNA: Any questions?

16 All right. None.

17 MR. O'CONNELL: I will wrap it up in the  
18 next couple of minutes here.

19 The second question is do we want to do  
20 more in illiquid investments and in particular  
21 private credit and infrastructure.

22 So I think this discussion about these  
23 two asset categories began in March of 2020, or  
24 maybe it was April, where we talked about deflation



1 and now the question of the day is really is there  
2 going to be sustained inflation. Both of these  
3 asset classes have kind of inflation protection  
4 built into them. These are asset classes the Board  
5 hasn't used in the past that some of your peer  
6 plans do. With bond yields being very low, private  
7 credit is now more an attractive investment  
8 opportunity.

9 We have modeled scenarios that show what  
10 the expected return would be if we add these new  
11 tools to the portfolio.

12 There is a lot of numbers on this page  
13 but what I would like to do is maybe compare that  
14 Mix 4 to that Mix 4-14. So this is at the end of  
15 the day the portfolio that I think you should  
16 consider, which is adding a modest 3 percent  
17 allocation, a new asset allocation to both  
18 infrastructure and private credit. Getting rid of  
19 the commodity allocation, that is currently 2  
20 percent, and shifting the 2 percent allocation that  
21 is currently earmarked for TIPS.

22 There is also a reduction in publicly  
23 traded stocks and bonds to fund some of those new  
24 investments.

1           What this does, adding these new asset  
2 classes, effectively shifts this efficient frontier  
3 up. It allows us to experience a higher expected  
4 return, again based on our forward looking  
5 assumptions, at the same level of risk.

6           So with these scenarios, we have modeled  
7 how can we improve the plan's expected return  
8 without increasing risk.

9           Here we are measuring risk from a  
10 traditional standpoint, which is the standard  
11 deviation of the bounciness of return.

12           What we don't measure on this chart is  
13 the concept of illiquidity. Illiquidity becomes a  
14 problem when you have to sell assets in a short  
15 period of time.

16           In all of these scenarios, you would  
17 still have a large amount invested in equities and  
18 fixed income.

19           Based on those cash flow projections we  
20 touched on a few minutes ago, we don't think you're  
21 going to need to sell less liquid investments but  
22 that is the one factor that makes us cautious about  
23 approaching some of these less liquid asset  
24 classes.

1           Now just to wrap it up. At the end of  
2 the day, we're 20 percent funded. The path to  
3 improving that is going to be driven by the  
4 contributions.

5           We have seen those. The net cash flow  
6 flip from one that was consistently negative to  
7 positive and it will be that way over the next  
8 several years.

9           Over 20 years, we do expect that to shift  
10 us to about 43 percent funded status. Over the  
11 next ten years, we are going to get halfway there  
12 so about 32 percent.

13           At the end of the day, when you have 20  
14 cents on the dollar, there is not much you can do  
15 just with the asset portfolio to fix that problem  
16 so we need contributions. But when you have 20  
17 cents for every dollar of liabilities, you really  
18 need to get a return that is five times the asset  
19 size to keep up with the change in liabilities.

20           So we are kind of coming from behind. We  
21 need to rely primarily on these contributions. We  
22 can still do an excellent job in investments to try  
23 to help improve that funded status further. That  
24 is a discussion we had in 2017.

1           This cash flow is critical to the plan's  
2 financial health improving but we still want to do  
3 as good a job as possible on the investment side.

4           At this point, we are open to feedback,  
5 questions, initial reactions to these  
6 recommendations, and open to having further  
7 discussions in the coming months before making a  
8 final recommendation to the Board.

9           Here, again, on Slide 17 is the proposed  
10 mix relative to the current policy. And that Mix  
11 4-14, it says "both" underneath, that is a scenario  
12 that involves, again, allocating to these new asset  
13 classes that we spent a little time on;  
14 infrastructure and private credit.

15           Again, as you consider these, these asset  
16 classes take some time to get exposure to. They  
17 would be long-term investments. I think five years  
18 from now, depending on the experience over the next  
19 five years, we would reevaluate whether or not we  
20 wanted to add to that further or reduce that.

21           These decisions are to make initial  
22 allocations aren't irrevocable. Investing in these  
23 things are kind of hard to undo immediately. But  
24 part of the goal is to when we add a new asset

1 class is to make an incremental change and then see  
2 how it goes and build on that further if it is  
3 successful.

4 MEMBER VALENCIA: On the last slide,  
5 we're looking at, based on the analysis, our fund  
6 would be funded at 32 percent in 2030 under this  
7 current Investment Policy?

8 MR. O'CONNELL: That is correct. And  
9 based on the current contributions and projected  
10 contributions.

11 MEMBER VALENCIA: Okay, thank you. When  
12 I started, it was 18 percent I think.

13 MR. O'CONNELL: That sounds right. It is  
14 going in the right direction but the change is  
15 going to be small and gradual on a year-to-year  
16 basis.

17 MEMBER VALENCIA: Thank you.

18 CHAIRMAN FORTUNA: Any questions for  
19 Brady?

20 MEMBER MCPHILLIPS: No. Brady, I thought  
21 that was a fantastic presentation. Very nice job.

22 MR. O'CONNELL: Thank you.

23 MS. SCOTT: This was the initial  
24 introduction and the plan is to possibly have an

1 Investment Committee meeting at the end of November  
2 to kind of do a deeper dive and give Trustees time  
3 to think about what we are planning on doing and  
4 then answer any additional questions on this new  
5 asset allocation at the end of November.

6 MEMBER VALENCIA: You are expecting a  
7 vote at the next meeting in November or in  
8 December?

9 MS. SCOTT: I believe the November agenda  
10 will be very full. The short answer is probably in  
11 December.

12 MEMBER VALENCIA: Okay. We will have  
13 about two months, a month and a half, to review  
14 this?

15 MS. SCOTT: Correct.

16 MEMBER VALENCIA: Thank you.

17 CHAIRMAN FORTUNA: Trustees, any  
18 questions?

19 Lorna, thank you.

20 MS. SCOTT: One last thing, Mr.  
21 President, that covers the investment portion but I  
22 did want to give Jackie a chance to talk about the  
23 checking account. She wants to provide the  
24 Trustees on Chase.

1                   CHAIRMAN FORTUNA:   Please, do.

2                   MS. VLAHOS:   This should be pretty quick.  
3   I know you have had a pretty long meeting.

4                   Basically, as of October, our balance as  
5   of October 14th is approximately \$94.2 million. We  
6   are expecting one more salary contribution of \$1.8  
7   million. Bringing us to available cash of \$96  
8   million. After our October benefit payments and  
9   our October bills, we look at expenditures of  
10   approximately \$34.4 million. Leaving us an overage  
11   of \$61.6 million at the end of October.

12                  Do you want to go to the next page which  
13   is the cash flows? Kind of like we discussed last  
14   month, we are kind of anticipating whether or not  
15   we are going to be receiving tax receipts and we  
16   have seen a large portion of that coming in.

17                  Currently, as of October to the end of  
18   year, we originally had it was \$371 million due to  
19   us in tax receipts from the City.

20                  We have a remainder, if you look on the  
21   first column, for the end of year of about \$17  
22   million we're still anticipating. And then with  
23   that being said, if we get the tax receipts like  
24   we're anticipating, if you look all the way over to

1 the right, we have the \$94 million after our  
2 benefit payments and our administrative costs, we  
3 are going to be at the \$61.6 million. And it  
4 should carry us with the additional receipts  
5 through the end of the year with no drawdowns.

6 Just because due to timing, a lot of  
7 times in January, we don't see any tax receipts or  
8 it is very small, we might have to do a small  
9 drawdown in January. But, hopefully, as long as  
10 things come in as they have in the past, we should  
11 have no drawdowns for the remainder of 2022.

12 Are there any questions?

13 CHAIRMAN FORTUNA: Questions?

14 No questions, Jackie. Thank you.

15 MEMBER SONI: Looks great. Thanks,  
16 Jackie.

17 MS. SCOTT: Now we are done.

18 MEMBER MURPHY: Moving on to 7,  
19 Administrative Expenses.

20 MEMBER SONI: I do have to leave the  
21 meeting. I apologize. Did you need anything from  
22 me?

23 CHAIRMAN FORTUNA: No, you're good.  
24 Thank you.



1                   MEMBER SONI: Thanks, everyone. Have a  
2 great week.

3                   MEMBER MURPHY: I'd like to make a motion  
4 to approve the Administrative Expenses as they have  
5 been presented.

6                   MEMBER MCPHILLIPS: Second.

7                   CHAIRMAN FORTUNA: There is a motion by  
8 Trustee Murphy. Seconded by Trustee McPhillips.  
9 Trustee Murphy.

10                  MEMBER MURPHY: Yes.

11                  CHAIRMAN FORTUNA: Trustee Sheridan.

12                  MEMBER SHERIDAN: Yes.

13                  CHAIRMAN FORTUNA: Trustee McPhillips.

14                  MEMBER MCPHILLIPS: Yes.

15                  CHAIRMAN FORTUNA: Trustee Tebbens.

16                  MEMBER TEBBENS: Yes.

17                  CHAIRMAN FORTUNA: Trustee Valencia.

18                  MEMBER VALENCIA: Yes.

19                  CHAIRMAN FORTUNA: And I am a yes.

20                  Motion carries.

21                  MEMBER MURPHY: Moving on to 8, I'd like  
22 Kelly to present his Executive Director's Report.

23                  MR. KELLER: First off, great to see  
24 everyone as always.

1           One and two, just to pass along, the  
2           Governor did extend the Declaration of Disaster  
3           through November 15th. Our meeting falls right  
4           after that but based on our prior experience, it  
5           looks like we will -- and the President has agreed,  
6           we will look at a virtual format in November. That  
7           gives everybody a chance to look at their  
8           calendars, if there is an opportunity for them to  
9           be here. If there is not going to be an  
10          opportunity for you to be here, please let me know  
11          so that we can make sure our quorum stays on the  
12          date.

13                 The other thing I want to do is a broad  
14          category. I want to thank the staff. Things have  
15          been a little hectic and they are going to get a  
16          little bit more hectic as we move into the end of  
17          the year. And the staff has done a great job under  
18          these unusual circumstance to keep everything  
19          moving along. They have done a great job so kudos  
20          to them.

21                 To conclude a little bit on Jackie's  
22          comment on the banking. We did finalize our  
23          arrangement in moving the accounts away from the  
24          City in consolidation with Chase where we

1 individually manage the account as a FABF account.

2 We met with the GPM team earlier this  
3 week and we have got that transition to happen  
4 probably the first or second week of January as we  
5 get through the payroll for the end of the year.  
6 We are moving forward with that. That is a great  
7 move on our part and I think it will help us get  
8 control of the banking. Have more control over  
9 that side of the business. Kudos to Jackie in  
10 keeping that moving forward.

11 Into the meat of the report, I did put  
12 the sexual harassment awareness and prevention  
13 module as well as the IT security awareness module  
14 into BoardPac this week.

15 We are moving into the end of the year.  
16 Everybody needs to get their eight hours of  
17 training in.

18 Lorna mentioned that there will be  
19 another investment committee coming in November.  
20 We have looked at those at about two to two and a  
21 half hours of credit for each one.

22 So the folks going through the investment  
23 committee meetings and complete this training  
24 should be fine on the eight hours.

1           The folks that don't, you can reach out  
2 to me, we want to make sure we can get training  
3 arranged by the end of the year.

4           If all of you could, it is mandatory that  
5 we have these certificates on file for both the  
6 sexual harassment and prevention training as well  
7 as the security awareness training. It is the last  
8 page of the module. Fill it out, take a picture of  
9 it and send it back to me and the Fund and we will  
10 go ahead and make sure we have a record of that  
11 being done.

12           Secondly, through our cyber renewal,  
13 which you will see in November, we have initiated  
14 several security enhancements that were I think  
15 critical and important. I am glad we worked  
16 through them. Kudos to Chris in that regard.

17           You will see as Trustees, those who use  
18 the FABF email address and you access the FABF  
19 email through Microsoft 365, there will be an  
20 enhancement on Microsoft 365 that will require you  
21 to go through a multifactor authentication. We are  
22 going to roll that out after this meeting. It will  
23 probably start next week.

24           As you see those emails come in, work

1 with Chris. It is not a complicated process but  
2 you need to make sure you keep that code that you  
3 get sent as a one time sign-in. That is your  
4 unlock key if something should happen in the  
5 future. I recognize there is a little bit of  
6 frustration that we are going to impose at the  
7 front end but it is very, very critical for us to  
8 protect our email systems considering the integrity  
9 of the data we move.

10 As part of that, we have encrypted our  
11 terminal server with a dual multifactor  
12 authentication and we have encrypted all of our  
13 computers with a BitLocker.

14 We are really moving in a way to help us  
15 protect the data of our members and to make sure  
16 that we do not have any outside areas where someone  
17 can get into our critical data server.

18 The next thing I want to move into is the  
19 election. We are moving into an election count,  
20 which would be October 26th, next week, at eight  
21 a.m.

22 For those who are interested, we will be  
23 doing that in this conference room. We will follow  
24 the procedures to the letter. Those of you who

1 want to participate be here at eight a.m. to do  
2 that.

3 We only received one request to send a  
4 replacement ballot. We got that done last week so  
5 it looks like the mailing went well and the request  
6 for supplement ballots was almost nil. So far it  
7 appears that everything is moving along as we had  
8 planned so that is that.

9 Let's move on. I am bracing everyone for  
10 a little bit of news. I think it is good news in  
11 my world. We did have our employee healthcare  
12 discussion with our outside provider. It looks  
13 like when we're looking at budgeting for 2022 about  
14 a 4.6 percent increase or about \$19,000 annual  
15 increase in year-over-year coverage for our  
16 employee team.

17 I think looking at industry standards and  
18 in contact with our person who is coordinating on  
19 our benefits, Kathy Rowe, we are actually quite a  
20 bit below the national average. We use an age  
21 based rating which has helped us in the long run.  
22 I think as we look into November we're going to be  
23 doing an open enrollment. We are going to be  
24 looking for renewal on that, that will be on the

1 November 17th agenda.

2 I just wanted to say if you have  
3 questions about it let me know because we do intend  
4 to press on and expect to go with the plan as it is  
5 proposed right now with the 4.6 percent increase.

6 If you want more data on that, let me  
7 know. I will be happy to provide that.

8 The police settled the contract as you  
9 are aware. There are some need to metro in that,  
10 that will be flowing towards the end of the year.  
11 Chris is aware of that. So is Michelle. We are  
12 not completely aware what that means throughout the  
13 role throughout our plan but we do know it is  
14 coming so we're going to brace that and make sure  
15 that gets implemented. You will know more about  
16 that hopefully in December I think we should know  
17 more and then we will institute that as we get the  
18 verification.

19 That gets me through the broad items.  
20 Next is Board approval for our 2022 board meetings.

21 As you can see from the list, this would  
22 be our meetings. We are staying to our convention  
23 of the third Wednesday of the month. That seems to  
24 suit the other plans and our schedules as well.

1 This reflects what we anticipate for 2022  
2 reflecting those third Wednesdays of each month.

3 CHAIRMAN FORTUNA: I would like all the  
4 trustees to take a look at this before we take a  
5 vote on it.

6 MEMBER VALENCIA: Just so you know, I  
7 don't know, the Mayor has not set her City Council  
8 meetings. They are on Wednesdays. Just know that  
9 if they fall on the same Wednesday, I will have a  
10 hard time making it or will only be able to be here  
11 for the first hour before Council. I just wanted  
12 to flag that, if we do Wednesdays.

13 CHAIRMAN FORTUNA: That is totally  
14 understood and that is why I want everybody to take  
15 a good hard look at this. If there is anything we  
16 need to move early, it will make it a lot easier  
17 for us and staff, if you can email that to  
18 everyone.

19 MR. WELLER: Do you want to table this  
20 vote?

21 MS. BURNS: We can just defer it. We  
22 don't have to take a motion on it.

23 MR. WELLER: So the second piece of that  
24 would be the holidays. We can wait on that as well



1 but these are the holidays. We are waiting for the  
2 City of Chicago to finalize Juneteenth which right  
3 now is not is showing up on their schedule as a  
4 date. Whatever City of Chicago decides do with  
5 that date, we will go ahead and address  
6 accordingly. We moved it to the Monday  
7 preemptively because Juneteenth falls on a Sunday.

8 This would be the holidays that would be  
9 reflected based on last year's scheduling.

10 CHAIRMAN FORTUNA: Okay.

11 MS. BURNS: Do you want to make a motion  
12 to adopt that?

13 MEMBER MURPHY: I make a motion on the  
14 advice of Fund counsel.

15 MS. BURNS: Kelly has proposed the office  
16 holiday schedule. He is deferring the board  
17 meeting schedule. We can defer them both. I want  
18 to make sure that is what you want.

19 MR. WELLER: We will put these on the  
20 November agenda for final approval after everyone  
21 has a chance to look at them.

22 MS. BURNS: We can coordinate it with the  
23 City.

24 MR. WELLER: The last piece is we did get

1 requested from Blue Cross Blue Shield Illinois to  
2 do a blind mailing. Everyone has had a chance to  
3 see that. Our attorneys have reviewed it. It's  
4 just essentially about retiree healthcare and some  
5 of the options that Blue Cross is offering.

6 We reached out to Aetna. Aetna did not  
7 respond at this point to use our Blind Mailing  
8 Policy.

9 They have asked us to coordinate with the  
10 printer. We have done that at this point in time.  
11 Pending the Board's approval of the material, we  
12 would ask for the approval of the Blind Mailing  
13 Policy and to allow Blue Cross to move forward with  
14 this piece of mailing that has been approved.

15 MEMBER MURPHY: Based on that  
16 recommendation, I would like to make a motion to  
17 approve the retiree healthcare blind mailing for  
18 Blue Cross as presented.

19 MEMBER VALENCIA: Second.

20 CHAIRMAN FORTUNA: Motion by Trustee  
21 Murphy. Seconded by Trustee Valencia.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MR. WELLER: The next meeting is November  
11 17th. Again, if anybody knows that they are not  
12 able to attend, please let us know so we make sure  
13 our quorum stays intact.

14 Thank you, very much.

15 CHAIRMAN FORTUNA: Thank you, Director  
16 Kelly.

17 MEMBER MURPHY: Moving to 9, Legal  
18 Update.

19 MS. BURNS: There is nothing to report  
20 this month.

21 MEMBER MURPHY: New Business/Old  
22 Business. Any new business or old business?

23 CHAIRMAN FORTUNA: Hearing none.

24 MEMBER MURPHY: I'd like to make a motion

1 to adjourn today's meeting.

2 MEMBER VALENCIA: Second.

3 CHAIRMAN FORTUNA: Motion to adjourn.

4 Seconded by Trustee Valencia. All in favor?

5 (Chorus of ayes.)

6 CHAIRMAN FORTUNA: Thank you, very much,  
7 everyone.

8

9 (WHICH WERE ALL THE PROCEEDINGS

10 IN THE ABOVE-ENTITLED MEETING

11 AT THIS DATE AND TIME.)

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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

1 there is not an attorney that has filed an  
2 appearance to represent you in this matter. Is it  
3 your desire to proceed without an attorney?

4 MR. COOK: Yes, it is.

5 MR. PINELLI: Lastly, it is the  
6 applicant's burden of proof to present sufficient  
7 evidence to the Board in order for the Board to  
8 grant the benefit to the applicant under the  
9 Pension Code. Do you understand that?

10 MR. COOK: Yes, I do.

11 MR. PINELLI: By way of procedures, I am  
12 going to start by asking you some questions under  
13 oath. The board members may or may not have  
14 questions of you. Then I will call the Fund's  
15 physician consultant to testify. If there is  
16 anything I don't ask him that you think is  
17 important for the Board to know, please let me know  
18 and you will be given that opportunity. Do you  
19 understand the procedures?

20 MR. COOK: Yes, I do.

21 MR. PINELLI: Sir, could you please raise  
22 your right hand? Dr. Peters, also raise your right  
23 hand.

24 (Witnesses sworn.)

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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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<b>\$</b>	<p><b>12th</b> [1] - 91:8  <b>13.9</b> [1] - 90:18  <b>13th</b> [1] - 53:5  <b>14</b> [2] - 67:21, 68:1  <b>14518</b> [2] - 6:20, 6:21  <b>14906</b> [1] - 5:22  <b>15</b> [3] - 38:9, 53:16, 85:10  <b>15-pound</b> [1] - 38:21  <b>15021</b> [1] - 7:17  <b>16011</b> [1] - 5:21  <b>17</b> [3] - 1:14, 3:2, 85:10  <b>17267</b> [1] - 10:5  <b>18</b> [1] - 86:14  <b>19528</b> [1] - 7:16  <b>1st</b> [1] - 95:5</p>	<p><b>300</b> [1] - 1:12  <b>305</b> [1] - 100:14  <b>30th</b> [1] - 53:17  <b>31</b> [1] - 43:6  <b>31st</b> [3] - 15:12, 19:4, 31:18  <b>33</b> [1] - 93:12  <b>37.9</b> [1] - 91:18  <b>380</b> [2] - 100:6, 100:14</p>	<b>A</b>	<p>51:7, 51:11, 67:17, 67:20, 84:23  <b>admitted</b> [11] - 15:5, 15:8, 31:10, 31:13, 51:14, 51:17, 67:23, 68:2, 85:1, 85:4, 85:7  <b>adopt</b> [10] - 27:2, 45:21, 62:16, 82:4, 83:16, 87:18, 87:23, 89:23, 102:22, 103:5  <b>advance</b> [4] - 30:21, 50:24, 58:4, 67:14  <b>advancement</b> [1] - 107:14  <b>advancing</b> [1] - 108:2  <b>advise</b> [4] - 12:10, 28:17, 48:19, 65:14  <b>affect</b> [1] - 56:19  <b>affected</b> [1] - 20:24  <b>aforsaid</b> [1] - 115:12  <b>age</b> [2] - 86:14, 95:15  <b>agenda</b> [1] - 4:24  <b>ages</b> [1] - 85:10  <b>aggravated</b> [1] - 60:3  <b>ago</b> [7] - 71:7, 71:8, 71:9, 71:16, 73:20, 74:9, 74:12  <b>agree</b> [5] - 43:11, 97:3, 97:10, 107:4, 108:4  <b>ahead</b> [10] - 16:4, 16:24, 17:5, 17:8, 17:15, 17:19, 17:22, 76:12, 90:20, 104:20  <b>air</b> [1] - 32:4  <b>airpack</b> [1] - 38:16  <b>airport</b> [1] - 14:11  <b>Alice</b> [1] - 11:1  <b>ALL</b> [1] - 114:8  <b>allocation</b> [3] - 89:23, 90:7, 90:8  <b>allowed</b> [1] - 33:16  <b>allows</b> [1] - 3:20  <b>ALSO</b> [1] - 2:15  <b>alternative</b> [1] - 107:1  <b>AM</b> [1] - 106:2  <b>amazing</b> [1] - 97:17  <b>ambulance</b> [2] - 52:9, 57:5  <b>Ambulance</b> [9] - 14:6, 14:9, 14:11, 15:21, 24:24, 50:22, 52:7, 53:19, 60:16  <b>analysis</b> [1] - 85:19  <b>AND</b> [3] - 1:3, 2:13, 114:10  <b>Angelo</b> [1] - 75:23  <b>ANNA</b> [1] - 2:9  <b>anniversary</b> [1] -</p>
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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.  
BY: MS. SARAH A. BOECKMAN

ALSO PRESENT:

KELLY WELLER, Executive Director  
LORNA SCOTT, Chief Investment Officer  
MARK MYSLINSKI, City Treasurer's Office  
BRADY O'CONNELL, Callan Associates



1 MEMBER MARTIN: Roll call of the  
2 Committee members.

3 Trustee Fortuna

4 MEMBER FORTUNA: Here.

5 MEMBER MARTIN: Trustee Sheridan.

6 MEMBER SHERIDAN: I am present but not a  
7 member of the committee.

8 MEMBER MARTIN: Trustee Murphy.

9 MEMBER MURPHY: Here.

10 MEMBER MARTIN: Trustee Tebbens.

11 MEMBER TEBBENS: Here but not a member of  
12 the committee.

13 MEMBER MARTIN: Trustee Soni. She is  
14 not present.

15 Trustee Conyears-Ervin. She is not  
16 present.

17 Trustee Valencia. She is not present  
18 either.

19 We have a quorum for the Investment  
20 Committee.

21 Public Act 101-0640 and the Governor's  
22 recent Disaster Proclamation dated December 10,  
23 2021 allows this meeting to be conducted by audio  
24 and videoconference. The Act requires a roll call

1 vote on each matter acted upon.

2 We are proceeding by videoconference  
3 because we continue to believe that due to the  
4 pandemic it is prudent to not be physically present  
5 in the same space.

6 We have posted notice of this committee  
7 meeting in accordance with the Open Meetings Act  
8 and the meeting is being recorded. A transcript of  
9 the proceedings will be prepared and ultimately  
10 after approved will be made available on the Fund's  
11 website.

12 I would like to now turn things over to  
13 Lorna to proceed to our agenda.

14 MS. SCOTT: On the Agenda today is a  
15 review of the Asset Liability Study and the  
16 proposed asset allocation model and some additional  
17 investment reporting related to December.

18 What I'd like to do is actually request  
19 that we go into Executive Session to discuss  
20 specific investment contracts.

21 MEMBER FORTUNA: I make the motion to go  
22 into Executive Session pursuant to Section 2(c)(7).

23 MEMBER TEBBENS: Second.

24 MS. SCOTT: Trustee Martin.

1 MEMBER MARTIN: Yes.

2 MS. SCOTT: Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 MS. SCOTT: Trustee Fortuna.

5 MEMBER FORTUNA: Yes.

6 MS. SCOTT: Trustee Conyears-Ervin not  
7 here. Trustee Soni not here.

8 MS. BOECKMAN: The motion passes to go  
9 into Executive Session.

10 (Whereupon, the Board went into  
11 Executive Session off the record.  
12 No action was taken in Executive  
13 Session.)

14 MS. SCOTT: We are back in open session.  
15 The record should reflect that Trustees  
16 Conyears-Ervin and Soni joined the meeting while  
17 the committee was in closed session.

18 MEMBER MARTIN: Sarah, could you frame  
19 the motion for me?

20 MS. BOECKMAN: It is a motion by the  
21 Committee to recommend to the Board, consistent  
22 with the recommendation from your CIO and your  
23 investment consultant, approval of the revised  
24 asset allocation, as presented.

1 MEMBER FORTUNA: I will make that motion.

2 MEMBER MURPHY: Second.

3 MS. SCOTT: Trustee Martin.

4 MEMBER MARTIN: Yes.

5 MS. SCOTT: Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 MS. SCOTT: Trustee Fortuna.

8 MEMBER FORTUNA: Yes.

9 MS. SCOTT: Trustee Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 MS. SCOTT: Trustee Soni.

12 MEMBER SONI: Yes.

13 MS. SCOTT: Motion carries.

14 As part of the investment report, Brady,  
15 do you want to cover the third-party review really  
16 quickly? Maybe a couple of highlights.

17 MR. O'CONNELL: The third quarter of 2021  
18 was fairly tame compared to the past year, so if  
19 you look on the left-hand side of the page, the  
20 returns from the capital markets were very modest  
21 compared to the past year.

22 I think there is one slide that speaks to  
23 the question that came up earlier. For the  
24 quarter, our plan was up over 80 basis points, 0.81

1 percent. The benchmark was up .32. For the past  
2 12 months, we were up over 26 percent.

3 This is me speculating about the answer  
4 to the question about how we performed relative to  
5 when the Fund changed the discount rate. I think  
6 it is going to be somewhere between the two and  
7 three year number here, which is either 15 or 10.78  
8 percent.

9 We really had a strong long-term track  
10 record. The Fund has benefitted from being in  
11 risky investments.

12 If we go back, as long as we have  
13 numbers, the returns are a little more modest and  
14 close to the actuarial discount rate.

15 I would remind you that this includes the  
16 full global financial crisis as well as the Covid  
17 market drop. There were a couple of bear markets  
18 as well as one big bull market during the time  
19 period.

20 So the Fund has done well. Lately,  
21 active management has done well. The one number I  
22 did want to reiterate is at the bottom of the  
23 report. For the past year, we were up over 26  
24 percent. The benchmark was about 22. Active

1 management within domestic equity, fixed income and  
2 international really drove that outperformance.

3 This plan uses more active management  
4 than peers and we have been rewarded over the past  
5 12 months for that active management.

6 MS. SCOTT: I will pick it up with more  
7 investment reports.

8 I am going to start with the extra  
9 reports that I create quarterly. These reports are  
10 really linked to the Callan quarterly report and  
11 they are really designed to answer two questions.  
12 One question is on the manager peer universe chart.  
13 It is how much is each asset class invested with  
14 top quartile managers. Those managers that are  
15 outperforming their peer groups.

16 Whereas Callan's reports look at each  
17 individual manager versus their peer group, I like  
18 to sum up those individual managers and look at the  
19 asset class as a whole.

20 Dark green are the managers at the very  
21 top of their peer group all the way to dark red  
22 that are the managers at the bottom of their peer  
23 group.

24 Of course, we want to see a lot of green.

1 With U.S. equities, we do see a lot of green,  
2 particularly over the longer term time period.

3 It is not unusual to have managers in the  
4 red because of different market cycles. They favor  
5 different approaches, but longer term we do want to  
6 see and we do expect our managers to outperform  
7 their peers.

8 In this one, it is nice to see the  
9 managers who are ranking high in their peer group  
10 for the longer term. In the U.S. equity space, we  
11 have Neuberger and Mellon that are kind of  
12 continuously up there over the three, five and ten  
13 year time periods.

14 The next slide is the international  
15 equity. Here we are generally fine as well. There  
16 is no dark red. The black boxes are the assets of  
17 current managers where we don't have a longer time  
18 period with us.

19 I would say it is William Blair's account  
20 ranking high against the peer group consistently  
21 over the longer term. Again, a lot of green.

22 The next slide is fixed income. Here you  
23 can see our core managers are also ranking very  
24 well against their peer groups. That is Loomis and

1 Western, our Core Plus managers. Earnest is  
2 consistently at the bottom. They are lagging their  
3 peer group. That makes a lot of sense because  
4 Earnest doesn't take a lot of risk and they are a  
5 nice compliment to the Loomis and Western  
6 portfolios so they serve a purpose.

7 That report covers the manager peer  
8 universes and that was my question there. The next  
9 question relates more to securities and holding.

10 That says from a holdings perspective, do  
11 we really look different from the benchmark or have  
12 we have combined a bunch of managers who is active  
13 that is all offset looking at the index but paying  
14 for active managers.

15 By looking at the holdings, we can get an  
16 answer to that and the answer is for U.S. equity,  
17 no, we don't look like the index. We definitely  
18 are positioned differently than the index and at  
19 the end of the day your active managers are not all  
20 looking the same way.

21 So here you can see that we are  
22 overweight in small and mid-cap versus the index.

23 Then on the next slide, from a sector  
24 perspective, you can see that we have got



1 overweight to healthcare, more industrial, more  
2 underweight technology which is more of a growth  
3 sector. Again, positioned differently than the  
4 index.

5 Then the next slide is international.  
6 Again, you are seeing that same overweight to small  
7 and mid-cap. Again, different than the index.

8 Next slide looks at our sectors.  
9 Overweights in health care, technology.  
10 Underweights in financials and consumer  
11 discretionary.

12 Next slide actually shows from a country  
13 perspective. You can see that we have got more in  
14 Europe, United Kingdom, overweight in emerging  
15 markets. With underweights to Japan and Pacific  
16 ex-Japan and underweights to Asia.

17 Lastly, on fixed income, this is just  
18 looking at the holdings and various kinds of bonds  
19 that we are invested in.

20 You can see we have a sizable allocation  
21 to corporate bonds and then from a country  
22 perspective we have got a large amount invested in  
23 North America but we do have some exposure to  
24 foreign markets and some exposure to emerging

1 markets.

2 At the end of the day, looking at the  
3 holdings, the take away is, yes, we are different  
4 than the index and we are paying for active  
5 management and we're getting active management.

6 So those are kind of the extra quarterly  
7 reports that I prepare that are tied to the Callan  
8 report.

9 Now let's move straight into the December  
10 reporting. This first slide is the summary slide.  
11 We are going to jump right into details.

12 We start by looking at the market. Here  
13 we are looking at 11 months year-to-date index  
14 returns for the asset classes where we are  
15 invested.

16 Really despite a very rough November,  
17 these year-to-date returns for 2021 are looking  
18 very, very strong.

19 You have some themes you can see  
20 here. You have commodities doing very well. U.S.  
21 equity, on the left-hand side of the chart, also  
22 very strong. Within U.S. equities, you can see  
23 that growth stocks are outperforming value. Large  
24 cap is outperforming small. We just talked about

1 our overweights to small cap. This kind of  
2 outperformance at an index level is going to impact  
3 us.

4 In other areas, just within the middle of  
5 the chart there, you can see the non-U.S. developed  
6 markets are outperforming emerging. Emerging is  
7 negative. I talked about our overweight to  
8 emerging markets as well.

9 Again, using this chart for broad themes  
10 that are coming out of the market, because what the  
11 markets are doing is how we are going to perform as  
12 well.

13 Looking at the next chart is our fund  
14 performances. Like I said, a rough November. The  
15 fund was down 2.6 percent. We did underperform the  
16 benchmark but year-to-date we are up 11 percent but  
17 we are now underperforming the benchmark which is  
18 up 11.5.

19 The next slide kind of digs into that  
20 underperformance and explains why. I talk about we  
21 are underperforming by 0.5. From this slide you  
22 can see most of that underperformance is coming  
23 from this asset allocation a minus 0.6.

24 This is really having weights different

1 than the benchmark. Being off policy is costing us  
2 performance-wise 0.6 percent return.

3 Normally asset allocation wouldn't be a  
4 big part of performance differentials because it is  
5 so small but going to the next slide we can look at  
6 why and how.

7 Column number 3, the Fund is up 11.  
8 Column number 4, the policy is up 11.5 percent.

9 What we want to do is look at that  
10 allocation column where you can see the minus  
11 .6.

12 We can see on that column that line is  
13 coming from private equity. If we look over, we  
14 can see that we have 1.8 percent as a weight in  
15 private equity versus the policy which has 4  
16 percent. But then we can look at the returns, we  
17 can see our fund return is 50 percent versus the  
18 policy return of 39 percent. These are really,  
19 really outsized returns but we were underweight  
20 this asset class. We didn't have nearly as much as  
21 the policy target. Not having enough of something  
22 in a very, very strong market, with these strong  
23 returns, is going to cost us.

24 So that is what it is. Being underweight

1 is really, really high performing assets hurt us  
2 versus the policy benchmark.

3 MEMBER CONYEARS-ERVIN: That is why we  
4 are having these discussions now because we  
5 recognize that we need to make a change in the  
6 allocation.

7 MS. SCOTT: It is a reminder that we  
8 actually do have commitments for private equity.  
9 We did those searches. We were committed to get  
10 our allocation up but right now we are waiting for  
11 that capital to be called.

12 Meanwhile, when you have these kind of  
13 returns, we are waiting, we can carefully calculate  
14 what is this costing us from a relative performance  
15 prospective.

16 The other thing I want to highlight on  
17 this chart is the negative 1.2 at the top next to  
18 U.S. equities and that cost is really due to the  
19 small cap allocation. It is due to the allocation  
20 to value. And, if you recall, you saw those  
21 performance differences versus the policy benchmark  
22 on the first slide.

23 We did have some manager underperformance  
24 as well from Brown, from Neuberger, and Jackson

1 Square.

2 I will end on a positive note here and  
3 say, well, look at the 1 percent, that is the  
4 global ex-U.S. equity contribution positive  
5 1 percent and that is due to strong outperformance  
6 by our emerging market LSV.

7 At the end of the day, the manager  
8 selection and outperformance that Brady highlighted  
9 at the end of September, it kind of went away with  
10 October and November. We'll see where it goes from  
11 here.

12 The next slide is our MWDBE allocation.  
13 No changes here. Also, we have discussed we are  
14 underweight in our goals for emerging managers and  
15 we're exceeding our targets on a total basis and we  
16 will be looking at these allocations as we  
17 structure the U.S. equity and restructure fixed  
18 income under the new asset allocation model.

19 The next slide performance. I always  
20 include these reports for granular for more detail.  
21 I did want to perform a little more background on  
22 them today.

23 Number one, these returns are calculated  
24 by Northern Trust so that is an independent

1 third-party calculation of the performance numbers  
2 that are coming from our managers.

3 What is important, too, is what do we do  
4 to make sure these returns are good numbers? That  
5 is where Brady and I do have a process to review  
6 around the Northern Trust calculated returns.

7 What I do, the managers send me monthly  
8 performance reports and accounting reconciliations  
9 every month.

10 If I see performance discrepancies  
11 between Northern and what the manager has, I can  
12 look at that accounting to help identify why I am  
13 getting differences.

14 In U.S. equity, I really don't feel a lot  
15 of performance difference. The pricing is all  
16 good. It is all matching. I will say this year  
17 there were a couple of mispriced corporate actions,  
18 which created some weird flows, which created some  
19 performance differences. That required restating  
20 and rerunning performance. The accounting was  
21 fixed and then Northern's performance numbers were  
22 good.

23 On the international side, I pick up a  
24 little more differences on pricing sources. On FX

1 rates that are used, the timing of when those FX  
2 rates are pooled. I also see difference in tax  
3 reclaims but the managers don't always reflect  
4 those. All that will create performance  
5 differences but they are small.

6 Also in fixed income, there is pricing  
7 differences there that will create slight  
8 performance differences.

9 I will say the one other area that can  
10 create performance differences between Northern and  
11 the managers are really due to cash flows and the  
12 timing around when they are processed. Normally  
13 returns are close.

14 The other thing I would say is private  
15 markets. I do have to stay on Northern to get  
16 those valuations updated. If the accounting isn't  
17 updated, then my performance isn't good.

18 I spend a lot of time with them to try to  
19 get the valuations updated to make sure that we  
20 have cash flows and that they are processed.

21 Brady also has a process on top of this.  
22 Callan gets the monthly numbers as well and Callan  
23 reviews what Northern has calculated and then  
24 Callan does another review at quarter end when they



1 are doing the quarterly report. We crosscheck  
2 everything again.

3 My point being these numbers are here and  
4 they are thoroughly vetted and reviewed.

5 That is kind of the background on the  
6 numbers. I would say this format, yes, this format  
7 is mine and this report is really designed to be a  
8 very quick reference on what is going on  
9 performance in the portfolio.

10 For example, the three year number, you  
11 can see 12.7 is the Fund. The target is 12.9. We  
12 are underperforming.

13 Maybe your question is well why are we  
14 underperforming? So what is highlighted in yellow  
15 are the largest allocations of the fund. 80  
16 percent of the fund is invested in the highlighted  
17 asset classes. And performance on these asset  
18 classes will primarily drive the performance of the  
19 fund.

20 When you see that end of performance, you  
21 can start by looking at the yellow highlighted  
22 asset classes. You start at fixed income. 6.3 to  
23 5.5. Fixed income is outperforming so that is not  
24 why we are underperforming at the three year mark.

1 Globeflex ex-U.S. 11.8 to 10.3, that is  
2 not why we are underperforming. But you see it in  
3 U.S. equity, right. You can say we are  
4 underperforming for the three year return primarily  
5 due to our U.S. equity investments. Then you can  
6 use this report to dig a little deeper.

7 If the benchmark is at 20.2, you can look  
8 at the underlying categories and pick out which  
9 categories are actually underperforming that 20.2.  
10 Russell 1000 value is 11.5. That is under 20.2 but  
11 our active managers are at 14. Better than the  
12 benchmark so active management was great but large  
13 value as a whole was under the policy so that hurt  
14 us.

15 But then you can look at growth. The  
16 index, Russell 1000 gross, is up 29. 29 versus 20  
17 being in large growth was a good thing, right, that  
18 was a good allocation. Then our asset active  
19 managers were 28.3. Our active managers  
20 underperformed. Active management didn't help us  
21 there.

22 That is a way to use this report. But,  
23 of course, you can always just call me, too. I  
24 will gladly walk you through any of this.

1           This report is designed around major  
2 themes and looking at what categories were  
3 contributing to performances.

4           Actually, I will point out on the next  
5 page, my policy benchmarks, the policy changed over  
6 time. It is customary to link those changes  
7 together to create a linked benchmark. They are  
8 totally footnoted here as to what is composed in  
9 each of those policy benchmarks.

10           The next report really steps away from  
11 the assets classes and looks more at the manager  
12 performances. This report is really designed to  
13 highlight over/under performance versus the  
14 managers. The managers versus their benchmark.

15           It is really the green is good, the red  
16 is not so good.

17           If you look at, for instance, we were  
18 just talking about the three year number for large  
19 growth, our two large growth managers are Logan  
20 Capital and Brown Advisory.

21           If you look at the three year number, you  
22 can see that Logan was outperforming, but Brown  
23 actually was underperforming.

24           You can kind of say, okay, the three year

1 number is underperforming primarily due to U.S.  
2 equity and we can come in here and say, okay, Brown  
3 Advisory was underperforming. They were part of  
4 that underperformance.

5 What is interesting also on this report,  
6 though, just looking at large growth over the  
7 long-term, you can see both of these managers since  
8 inception have been underperforming the Russell  
9 1000 growth. That is one of those questions that  
10 Brady and I will be looking at as we restructure  
11 the U.S. equity portfolio is reevaluating does  
12 asset management makes sense in large growth, for  
13 example.

14 If you want to page on down, I want to  
15 highlight the private markets as well. With our  
16 private equity performance, what is reported here  
17 is IRR, Internal Rate of Return. The IRR is really  
18 the industry standard in the reporting of private  
19 market returns. It is a return calculation that  
20 captures the timing of the cash flows and it is the  
21 manager that determines those cash flows like we  
22 talked about. They are the ones that initiate the  
23 draws.

24 Here I am also really focusing on the

1 since inception number because some of the returns  
2 get a little bit wonky in the short-term. The  
3 valuations and the cash flows don't always line up  
4 early-on. They do self-correct by the end of the  
5 fund's term. I just want to highlight it is a  
6 little bit different for private equity. That  
7 covers performance.

8 The next slide is the rebalancing slide,  
9 which is also our asset allocation review. The  
10 first column shows our position as of December 7th.  
11 We are not expecting any rebalancing in December so  
12 this is how we can now just compare against our  
13 targets.

14 We look at the last column and that shows  
15 our variance versus our policy. Within equities,  
16 you can see we are overweight. Overweight  
17 primarily -- or U.S. equities. Overweight small  
18 cap and then slight overweight small cap but  
19 underweight private, which gives us a total overall  
20 equity allocation of 0.4 versus policy. Very close  
21 to policy.

22 And then looking on down, we are under  
23 real assets under fixed income, under liquid  
24 diversifying, that is offset by an overweight in

1 cash.

2 The takeaway here we're very close to  
3 policy and these differences are very small and  
4 they are all within range.

5 The next report this is just a lookback.  
6 This is our report card for 2021. This is designed  
7 to be a one-page summary reminder of what we do,  
8 what the Board does, to monitor our investments.

9 What we do we look at the market. We  
10 look at fund performance. We look at attribution.  
11 We raise cash, if we need to. We consider any  
12 manager issues that came up. As a reminder, we did  
13 have three happen in 2021. We had a PM retire, we  
14 had a PM depart and then we had a reorganization.

15 We do monthly and then on quarterly we  
16 add in the extras. We add in the MWDBE broker  
17 utilizations. We look at the private market cash  
18 flows. We look at security lending exposures. We  
19 look at our income. And then Callan provides a  
20 quarterly review as well that covers the peer  
21 comparisons of the managers as well as the fund.

22 Annually, we review the investment policy  
23 statement and we look at the required exposures for  
24 Callan. My point is there is structure around what

1 we are doing in investments.

2 Then just a recap of what we did in 2021.  
3 2021 we conducted an investment consultant search.  
4 We issued an RFP. We heard finalist presentations.  
5 We hired Callan.

6 After that we launched the Asset  
7 Liability Study. We had education sessions on  
8 private credit and infrastructure. Then we have  
9 been hearing the results of the study as well.

10 Also one thing to mention is as part of  
11 the monitoring, we do try to have time to hear  
12 directly from the managers. This is what we call  
13 our investment symposium and the form of the  
14 symposiums has varied over time.

15 It went from manager presentations at  
16 board meetings to offsite multiday events. To in  
17 2019, you recall we had a half day event at  
18 Northern Trust, a local venue. We missed  
19 presentations in 2020 but this year in 2021 we made  
20 an effort to get back and have those managers come  
21 back and present for us. We had some manager  
22 presentations in real estate and fixed income via  
23 Zoom.

24 Trustee Martin has indicated that we need

1 to revisit the form of this and it is important for  
2 the trustees to hear from the managers so we will  
3 be discussing what the best way to do that is going  
4 forward. That is 2021 in a nutshell.

5 The next report is really just in case  
6 anyone is curious. I do answer a lot of FOIA's.  
7 In 2021, I answered 39. So this is just a short  
8 report to share with the Board on who is asking for  
9 the data and the kind of data they are asking for.  
10 You can see there is a lot of data requests from  
11 the data suppliers, the Bloombergs, there is  
12 requests from news providers. So I store all these  
13 reports in a centralized document management  
14 system. It is easily accessible by anyone who  
15 wants to look at them. It is easy to sort and it  
16 is easy to review what historical requests have  
17 been asked and how they are answered.

18 Of course, it is easy to create a report  
19 for the Board and share who is exactly asking for  
20 what data and the frequency.

21 One more report. The last report is the  
22 2021 emerging manager and diversity report. That  
23 is in BoardPac so I didn't even give it to Brady.  
24 That report is due January 1st and it is in



1 BoardPac for anyone that wants to see it.

2 That covers performance and attribution.

3 We reviewed the asset allocation and I recapped  
4 2021 for you. That concludes the investment piece,  
5 Trustee Martin.

6 MEMBER MARTIN: Can I have a motion to  
7 recommend approving the investment report by our  
8 Chief Investment Officer? Do I have a motion?

9 MEMBER SONI: I can make the motion.

10 MS. BOECKMAN: There is no real actions  
11 surrounding the investment report. If you want to  
12 just note it to the Board and spread it on the  
13 record, I am fine what that.

14 MEMBER MARTIN: Just spread it on the  
15 record, so we can do it Wednesday.

16 MS. BOECKMAN: Exactly.

17 MEMBER MARTIN: Under Item 4, Public  
18 Comment. We have to provide an opportunity for  
19 public comment.

20 MR. WELLER: If there is public comment  
21 please hit star six on your phone.

22 MEMBER MARTIN: Seeing that there is no  
23 public comment, I would move to Item 5. Old  
24 business/new business? Is there any old business

1 /new business that we need to discuss?

2 I don't see any.

3 Given that, I'd like a motion to adjourn.

4 MEMBER MURPHY: Motion to adjourn.

5 MEMBER SONI: Second.

6 MEMBER MARTIN: Seconded by Trustee Soni.

7 All in favor?

8 (Chorus of ayes.)

9 MEMBER MARTIN: Everyone have a great day  
10 and we will see you on Wednesday.

11

12 (WHICH WERE ALL THE PROCEEDINGS

13 IN THE ABOVE-ENTITLED MEETING

14 AT THIS DATE AND TIME.)

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF DU PAGE )

DEBORAH TYRRELL, being a Certified Shorthand Reporter, on oath says that she is a court reporter doing business in the County of DuPage and State of Illinois, that she reported in shorthand the proceedings given at the taking of said cause and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid; and contains all the proceedings given at said cause.

*Debbie Tyrrell*  
\_\_\_\_\_  
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BEFORE  
THE RETIREMENT BOARD  
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF )  
MEETING NO. 1093 )

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 December 15, 2021, commencing at the  
hour of 8:00 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and  
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

MICHAEL I. PETERS, M.D., Board Physician

DANIEL SAMO, M.D., Board Physician

1           CHAIRMAN FORTUNA: I hereby convene this  
2 meetings at 8:07 on December 15, 2021. We are  
3 starting this meeting early to accommodate the work  
4 schedule of various trustees so we have a quorum.  
5 Please call the roll. The public was notified of  
6 the start time for the meeting.

7           MEMBER MURPHY: Trustee Tebbens.

8           MEMBER TEBBENS: Here.

9           MEMBER MURPHY: Trustee Soni.

10          MEMBER SONI: Here.

11          MEMBER MARTIN: Trustee Martin.

12          MEMBER MARTIN: Here.

13          MEMBER MURPHY: Trustee Valencia.

14          MEMBER VALENCIA: Here.

15          MEMBER MURPHY: President Fortuna.

16          CHAIRMAN FORTUNA: Here.

17          MEMBER MURPHY: I am here.

18          CHAIRMAN FORTUNA: We have a quorum.

19                 Public Act 101-0640 allows this meeting  
20 to be conducted by audio and video conference. The  
21 Act requires a roll call vote on each matter acted  
22 upon.

23                 Further consistent with Public Act  
24 101-0640, for the record, I am physically present

1 with the Fund's Secretary, several trustees, and  
2 the Executive Director is also present.

3 We have posted notice of this meeting in  
4 accordance with the Open Meetings Act and the  
5 meeting is being recorded. A transcript of this  
6 proceeding will be prepared and ultimately, after  
7 approval, will be made available on the Fund's  
8 website.

9 Consistent with Public Act 91-0715 and  
10 reasonable constraints determined by the Board of  
11 Trustees, at each regular meeting of the Board of  
12 Trustees and/or its committees that is open to the  
13 public, members of the public may request a brief  
14 time to address the Board on any relative matters.

15 Are there any requests for public comment  
16 this morning?

17 Hearing none, we are going to move on.

18 Mr. Secretary.

19 MEMBER MURPHY: Mr. President, first  
20 issue at hand would be the election of officers.

21 CHAIRMAN FORTUNA: There is a motion for  
22 the election of officers by acclamation.

23 MS. BURNS: Could you please say who the  
24 officers are, Trustee Murphy?

1                   MEMBER MURPHY: The officers would be  
2 President Fortuna, Vice-President Valencia and  
3 Secretary Murphy.

4                   CHAIRMAN FORTUNA: There is a motion on  
5 the floor.

6                   MEMBER MURPHY: Second.

7                   CHAIRMAN FORTUNA: Seconded by Trustee  
8 Murphy.  
9 Trustee Murphy.

10                  MEMBER MURPHY: Yes.

11                  CHAIRMAN FORTUNA: Trustee Soni.

12                  MEMBER SONI: Yes.

13                  CHAIRMAN FORTUNA: Trustee Martin

14                  MEMBER MARTIN: Yes.

15                  CHAIRMAN FORTUNA: Trustee Tebbens.

16                  MEMBER TEBBENS: Yes.

17                  CHAIRMAN FORTUNA: Trustee Valencia.

18                  MEMBER VALENCIA: Yes.

19                  CHAIRMAN FORTUNA: And I am a yes.

20                  Motion carries.

21                  MEMBER MURPHY: Mr. President, first we  
22 are going to turn to the approval of Administrative  
23 Items. Approval of the minutes of the regular  
24 audio meeting of November 17, 2021 and the regular

1 audio meeting transcript of November 17, 2021.

2 I'd like to make a motion to approve the  
3 minutes and the audio transcript for the November  
4 17, 2021 board meeting.

5 MEMBER MARTIN: Second.

6 CHAIRMAN FORTUNA: There's a motion by  
7 Trustee Murphy seconded by Trustee Martin.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Soni.

11 MEMBER SONI: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: 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 MEMBER MURPHY: Moving on to B, Minimum  
21 Formula Annuities. I would like to make a motion  
22 to approve the 15 pages of Minimum Formula  
23 Annuities starting with Member 14299 and ending  
24 with Member 16215.

1 MEMBER MARTIN: Second.

2 CHAIRMAN FORTUNA: Motion by Trustee  
3 Murphy seconded by Trustee Martin.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Soni.

7 MEMBER SONI: Yes.

8 CHAIRMAN FORTUNA: Trustee Martin

9 MEMBER MARTIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Moving on to Item C, I'd  
17 like to make a motion to approve Widow's Annuities  
18 starting with Member 12265 through Member 09414.

19 MEMBER MARTIN: Second.

20 CHAIRMAN FORTUNA: There is a motion by  
21 Trustee Murphy seconded by Trustee Martin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee Martin

3 MEMBER MARTIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Moving on to Refunds, I'd

11 like to make a motion to approve the Refunds

12 starting with Member 11123 through Member 19000.

13 MEMBER SONI: Second.

14 CHAIRMAN FORTUNA: There is a motion by

15 Trustee Murphy seconded by Trustee Soni.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee Martin

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.



1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: Mr. President, moving on  
5 E, I would like to make a motion approve the Death  
6 Benefits starting with Member 12265 through Member  
7 09414.

8 MEMBER TEBBENS: Second.

9 CHAIRMAN FORTUNA: Motion by Trustee  
10 Murphy seconded by Trustee Tebbens.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee Martin

16 MEMBER MARTIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: Trustee Valencia.

20 MEMBER VALENCIA: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Mr. President, under F, I  
24 would like to make a motion to approve the Partial

1 Payments beginning with Member 12265 and continuing  
2 through Member 10124.

3 MEMBER VALENCIA: Second.

4 CHAIRMAN FORTUNA: Motion by Trustee  
5 Murphy seconded by Trustee Valencia.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Martin

11 MEMBER MARTIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Under G, Benefit

19 Recalculations, Request for Permission to Reside

20 Out of State, there are none this month.

21 Moving on to H, Guardianship, there is  
22 one this month for Member 08946. I'd like to make  
23 a motion to grant guardianship to the son of this  
24 member, based on the staff's confirmation that all

1 the paperwork required by the Fund has been  
2 received.

3 MEMBER SONI: Second.

4 CHAIRMAN FORTUNA: There is a motion by  
5 Trustee Murphy seconded by Trustee Soni.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Martin

11 MEMBER MARTIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Moving on to I, Removals.

19 I would like to make a motion to approve Removals  
20 starting with Elvira A. Biancalana ending with  
21 Daniel Grant.

22 MEMBER MARTIN: Second.

23 CHAIRMAN FORTUNA: There is a motion by  
24 Trustee Murphy seconded by Trustee Martin.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: Mr. President, under  
14 Administrative and Court Orders, I would like to  
15 make a motion to approve the QILDROs and Child  
16 Support Orders listed in the docket starting with  
17 Member 011123 and ending with Member 015739, based  
18 on the staff's confirmation that all the paperwork  
19 required by the Fund to process the orders has been  
20 received.

21 MEMBER MARTIN: Second.

22 CHAIRMAN FORTUNA: Motion by Trustee  
23 Murphy seconded by Trustee Martin.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Soni.

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Trustee Martin

5 MEMBER MARTIN: Yes.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: Trustee Valencia.

9 MEMBER VALENCIA: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Mr. President, moving on  
13 to consideration of Duty Disability Applications.

14 MR. WELLER: I don't see that we have any  
15 applicants dialed in yet.

16 MEMBER MARTIN: Motion to go out of the  
17 regular order of business.

18 MEMBER MURPHY: Second.

19 CHAIRMAN FORTUNA: Motion by Trustee  
20 Martin to go out of the regular order of business  
21 seconded by Trustee Murphy.

22 MS. BURNS: Maybe do Investments?

23 MEMBER MURPHY: I would like to turn this  
24 over to Trustee Martin as the Chair of the

1 Investment Committee.

2 MEMBER MARTIN: We had our Investment  
3 Committee on the 13th of December.

4 Lorna, if you want to kind of walk  
5 through what basically happened at the meeting and  
6 the motions that need to be addressed.

7 MS. SCOTT: There were two items on the  
8 agenda at the Investment Committee meeting. One  
9 was the Callan Asset Liability Study.

10 Brady, from Callan, discussed the study  
11 and the rationale for the proposed updated asset  
12 allocation model.

13 After discussion, the Committee is  
14 recommending adopting the revised asset allocation  
15 model.

16 The second item on the agenda was the  
17 Investment Report. Brady discussed the Fund  
18 performance as of 9-30 and I provided an update of  
19 the Fund performance through November 30th.

20 So, in general, I am looking for a motion  
21 to ratify the Committee recommendation related to  
22 the adoption of the revised asset allocation model.

23 MEMBER MURPHY: I'd like to make that  
24 motion.

1 MEMBER MARTIN: Second.

2 CHAIRMAN FORTUNA: There is a motion by  
3 Trustee Murphy seconded by Trustee Martin.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Martin

7 MEMBER MARTIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MS. SCOTT: The next item under

15 Investments is my Investment Report, which I did  
16 cover in committee, so that would conclude for  
17 Investments so I will turn it over to Jackie for an  
18 accounting update.

19 MS. VLAHOS: As of December, we have a  
20 surplus in our account of \$46.5 million. We have  
21 benefits slightly higher from what we are used to  
22 just because December is a big retiree month.

23 32 point almost 7 million dollars coming in. With  
24 all the other bills that we pay for December, \$36.5

1 million in expenditures. Leaving us with a surplus  
2 of \$9.9 million for the end of December after our  
3 benefits are paid.

4 If you can go to the next sheet, the Cash  
5 Flows. For December, like we just talked about, we  
6 are not going to need any sort of draw down and we  
7 are going to have a remaining balance, as you can  
8 see, of approximately \$9.9 million in cash  
9 available.

10 One thing we would like to point out, as  
11 you can see on the bottom, there is an asterisk,  
12 basically stating that for what is due to us for  
13 2021 tax receipts, we still have approximately  
14 \$10.9 million due to us.

15 As you see on the next line, which is  
16 January 2022, if you look over to the right-hand  
17 side, we are going to have to draw down  
18 approximately \$18.5 million in order to cover our  
19 benefit. This is just kind of due to timing.

20 I talked to Lorna. I believe she said  
21 she would talk a little more about that.

22 If we were able to get our \$10.9 million  
23 by the end of January, and I believe what she has  
24 in the balance of Northern Trust for cash



1 available, we can cover it and that way we wouldn't  
2 have to draw down.

3 It is basically a timing difference. I  
4 wouldn't want to have to draw down investments just  
5 to cover sort of like a timing difference.

6 I don't know, Reshma, maybe we can talk  
7 later. Maybe you can comment on that about what  
8 the likelihood would be that that could happen. I  
9 would hate to sell something just due to timing.

10 MEMBER SONI: I see that, Jackie. Let me  
11 look into that. Just for timing sake, you would  
12 need something by the 25th of January or so?

13 MS. VLAHOS: Yes. If we knew for sure we  
14 were getting it, then, yes, 25th would be great.

15 MEMBER SONI: Great. I will discuss and  
16 I will give you a call.

17 MS. VLAHOS: Great.

18 Lorna, correct me if I am wrong, that is  
19 what we discussed, right? With that \$10.9 million  
20 and what you have available in cash, we wouldn't  
21 need to draw down in January?

22 MS. SCOTT: We would need a little bit.  
23 If you have \$10 million and I have say \$10 million,  
24 \$15 million, that puts us right around 20, 25

1 million and to make a normal \$30 million payment,  
2 you would need another 5 to 10 million then.

3 MS. VLAHOS: We have a balance of \$10  
4 million. I think we should be good. I think what  
5 we're looking at is what we have and in January we  
6 need \$18.5 to draw down. It sounds like it would  
7 be very close. We are at \$10.9 million. It sounds  
8 like you have between 8 to 10. We should be able  
9 to cover it. We will discuss it a little bit  
10 later.

11 I wanted to ask for that, if that is  
12 available, that way we don't have to draw down.

13 I think that is all. I don't think we  
14 need any motion or anything like that.

15 MS. SCOTT: That would conclude the  
16 Investment portion. We are ready to move on to the  
17 next item.

18 MEMBER MURPHY: Mr. President, I would  
19 like to move on to the applicant Mr. Graves. I  
20 believe we have our first one, Cornelius Graves,  
21 Battalion Chief.

22 MR. PINELLI: Thank you, Mr. Secretary.  
23 We are ready to proceed.

24 Let the record reflect this is a hearing

1 on the application for Duty Disability Benefits  
2 being made by Battalion Chief Cornelius Graves.

3 Good morning, Mr. Graves. I am one of  
4 the attorneys representing the Fund. I will be  
5 conducting this hearing for the record. Can you  
6 hear me?

7 MR. GRAVES: Yes, sir. Good morning,  
8 sir.

9 MR. PINELLI: Good morning, sir. I'd  
10 like to advise you of some preliminary matters  
11 before we start evidence.

12 First of all, there are currently six  
13 trustees present in the meeting. If you don't know  
14 you should know you need the yes vote of at least  
15 five trustees in order to receive this benefit per  
16 the Pension Code. Do you understand that?

17 MR. GRAVES: Yes, sir.

18 MR. PINELLI: I see that you do not have  
19 an attorney representing you. Is it your desire to  
20 proceed without an attorney?

21 MR. GRAVES: Yes, sir.

22 MR. PINELLI: Lastly, it is always the  
23 applicant's burden of proof to present sufficient  
24 evidence to the Board in order for the Board to

1 grant the benefit you are seeking. Do you  
2 understand it is your burden of proof?

3 MR. GRAVES: Yes, sir.

4 MR. PINELLI: By way of procedures, I am  
5 going to start by asking you some questions under  
6 oath. The board members may or may not have  
7 questions of you. Then I will call the Fund's  
8 physician consultant to testify. If there is  
9 anything I don't ask him that you think is  
10 important for the Board to know, please let me know  
11 and you will be given that opportunity. Do you  
12 understand the procedures?

13 MR. GRAVES: Yes, sir.

14 MR. PINELLI: Then we are ready to  
15 proceed. Is Dr. Peters on the line?

16 DOCTOR PETERS: Yes, I am here.

17 MR. PINELLI: Good morning, Dr. Peters.

18 DOCTOR PETERS: Good morning.

19 MR. PINELLI: Could you and Chief Graves  
20 both please raise your right hands?

21 (Witnesses sworn.)

22 CORNELIUS GRAVES

23 a witness herein, having been first duly sworn, was  
24 examined and testified as follows:

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EXAMINATION

BY MR. PINELLI:

Q Chief Graves, could you please just state your name for the record?

A Cornelius Graves, III.

Q What is your current rank with the Fire Department?

A Battalion Chief.

Q What was your last assignment before you went on layup?

A City Wide Relief.

Q Sir, did you receive a copy of the Board Exhibits that were marked Board Exhibits 1 through 13 before today's hearing?

A Yes, sir.

Q Did you have a chance to review them?

A Yes, sir.

Q Do you have any objection to their admission into the record in support of your application?

A No, sir.

MR. PINELLI: Thank you.

Mr. President, I move for admission of Board Exhibits 1 through 13 without objection from

1 the applicant.

2 CHAIRMAN FORTUNA: Admitted without  
3 objection.

4 MR. PINELLI: Thank you.

5 (Board Exhibits 1 through 13 were  
6 admitted into evidence.)

7 BY MR. PINELLI:

8 Q Now, Chief, directing your attention to  
9 October 31st of 2020, did you experience an injury  
10 or injuries that is the basis of your application  
11 today?

12 A Yes, I did.

13 Q Can you briefly describe for the board  
14 members where you were and what happened,  
15 understanding that we do have a copy of your  
16 written submission of a statement of the  
17 occurrence? Just briefly describe for us what  
18 happened to you.

19 A Okay. On 10-31-2020, I was working at  
20 Battalion 4 at Engine 5's quarters. Around 19:11 I  
21 was dispatched to change of quarters to Engine 47's  
22 quarters. Shortly after arriving at the Engine 47  
23 quarters, I was dispatched to an automatic alarm at  
24 a highrise at 7435 South Kingston.

1           I was restrained, traveling lights and  
2 sirens, south to Stony Island Avenue and went to  
3 turn left or east on 74th Street and Stony Island.  
4 Stony Island is a divided street with four lanes in  
5 each direction, with a parkway separating the north  
6 and southbound lanes. Lane four is an extra wide  
7 lane to accommodate parking.

8           I was stopped in the parkway insuring  
9 that traffic was stopped and then proceeded through  
10 the intersection.

11           I was hit by a vehicle who traveled  
12 around the stopped traffic using the shoulder/park  
13 lane area lane four.

14           The vehicle hit me so hard that the  
15 airbags deployed and the buggy was totalled. I was  
16 restrained in the vehicle, which probably saved my  
17 life.

18           An off-duty police officer was on the  
19 scene and assisted me in reporting the incident to  
20 the officer.

21           As I was dazed, I was bypassed to Christ  
22 Hospital by ambulance via Ambulance 60.

23           The Deputy District Chief Giordano  
24 completed his paperwork at Christ and notified me

1 that there were two witnesses that remained on the  
2 scene to provide statements. One being an off-duty  
3 police officer. That my recollection of the  
4 incident coincided with the statements he  
5 collected.

6 Q Can you tell us just briefly what body  
7 part did you sustain an injury to or caused you a  
8 problem after the incident?

9 A That was my neck and my back.

10 Q So your cervical spine area and your  
11 lower lumbar spine area?

12 A Yes, sir.

13 Q Now the records indicate that you had had  
14 previous injuries to these areas of your body  
15 before. A series of them going back to 1999.

16 A Yes, sir.

17 Q It looks like from the records, you had  
18 treatment for each of those, that they were  
19 injuries you sustained on-duty, and that you were  
20 able to return to work after a period of  
21 rehabilitation from each injury. Is that correct?

22 A Yes, sir.

23 Q Now back to the current incident, can you  
24 tell --



1           A     Did you want me to expound on that, what  
2     you just said? Do you want me to expound on that  
3     thought?

4           Q     No, I just wanted to confirm that these  
5     were duty injuries and that you were able to return  
6     to work after a sufficient period of  
7     rehabilitation. Is that correct?

8           A     Yes.

9           Q     Okay. Because we have the medical  
10    records, we have the records showing the dates of  
11    those injuries and so forth, that is in the Board  
12    Exhibits.

13          A     Okay.

14          Q     Now, with respect to the current  
15    incident, can you tell us please after the incident  
16    you received some treatment for your back injuries,  
17    correct?

18          A     Yes, I did.

19          Q     It looks like from the records that  
20    included things like epidural steroid injections,  
21    physical therapy and so forth; is that correct?

22          A     Yes.

23          Q     And were those treatments sufficient to  
24    relieve your symptoms permanently?

1           A     No.

2           Q     Can you describe for the board members  
3 currently what symptoms, limitations, pain,  
4 et cetera, you're still experiencing?

5           A     Well, PT, you know, was a lifesaver and  
6 also allows me to function. The epidural shots  
7 were not helpful. I took three of those and the  
8 third one caused so much pain. They hit a nerve,  
9 you know, that I was reluctant to do that again.

10           I have a very difficult time sleeping. I  
11 am constantly tossing and turning. I have to get  
12 up several times a night. It impacts me because  
13 the lack of my sleep is so disturbing that, you  
14 know, I just find myself fatigued at different  
15 points in time. Also, because of the headaches,  
16 they come four or five times a week, and are  
17 debilitating. The tension pain builds up in my  
18 neck, shoulders, arms. Basically restricts me to  
19 just do basically things in my daily normal living.

20           Q     Given those conditions, could you perform  
21 your duties as a Battalion Chief with the  
22 Department?

23           A     No. I can't because putting on the  
24 helmet is difficult enough and then with the extra

1 weight of the jacket and the straps, just extra  
2 added weight, and not to even mention the tanks and  
3 equipment that you have to carry around. So, it's  
4 difficult with me in the every day life, you know.  
5 So, as far as the Fire Department, even though  
6 being a Battalion Chief is still -- it is going to  
7 be a challenge, a big challenge.

8 Q Okay. Since you went on layup, have you  
9 engaged in any activities by which you earn income?

10 A No, sir.

11 Q Have you engaged in any sporting  
12 activities?

13 A No, sir.

14 Q Do you take any medications prescribed by  
15 a physician for your condition?

16 A Yes. I take muscle spasms and pain and  
17 -- what is this? It is muscle spasms and this is  
18 for the muscle relaxant.

19 MR. PINELLI: That is all the questions I  
20 have at this time.

21 CHAIRMAN FORTUNA: Trustees, any  
22 questions?

23 MEMBER MARTIN: No questions.

24 CHAIRMAN FORTUNA: Hearing none.

1 MR. PINELLI: Then I will call Dr. Peters  
2 to testify.

3 (Witness previously sworn.)

4 MICHAEL I. PETERS, M.D.

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, please state your name.

10 A Michael I. Peters.

11 Q You are a physician; is that correct?

12 A Yes, that is correct.

13 Q Do you perform a function as a consultant  
14 to this fund?

15 A Yes, I do.

16 Q Are a copy of your qualifications as a  
17 physician attached to the Board Exhibits?

18 A Yes.

19 Q As a consultant to the fund, do you  
20 review medical records, examine or interview  
21 applicants and file a written report with the  
22 Board?

23 A Yes, I do.

24 Q Did you follow that procedure with

1       respect to Chief Graves?

2             A       Yes, I did.

3             Q       And due to the current pandemic  
4       conditions, did you interview him versus actually  
5       examining him?

6             A       I interviewed him on the telephone.

7             Q       Was the information he provided to you in  
8       that interview consistent or inconsistent with the  
9       medical records you reviewed?

10            A       It was consistent with the medical  
11       records.

12            Q       Doctor, could you briefly summarize for  
13       us what his current condition is, what injury or  
14       injuries he sustained?

15            A       Sure. BC Graves had eight documented  
16       duty injuries to his head and neck beginning in  
17       1999 and then in October of 2020 he was involved in  
18       a high speed motor vehicle crash, that he  
19       described, and now he has essentially chronic neck  
20       and back radicular symptoms, radiating pains,  
21       spasm, numbness.

22            Q       Did you find that his symptoms were  
23       consistent with the mechanism of injury that he  
24       described as the cause of his condition?

1           A     Yes, I did.

2           Q     Based upon that description of his  
3 symptoms, do you believe that he would be able to  
4 perform his duties with the Fire Department?

5           A     No, I don't.

6           MR. PINELLI: Thank you. That is all the  
7 questions I have of the doctor.

8           CHAIRMAN FORTUNA: Trustees, any  
9 questions for the doctor?

10          MEMBER MARTIN: No questions.

11          CHAIRMAN FORTUNA: Hearing none.

12          MEMBER MURPHY: I'd like to make a motion  
13 to grant the benefits requested by Battalion Chief  
14 Graves.

15          MEMBER MARTIN: Second.

16          CHAIRMAN FORTUNA: Motion to grant by  
17 Trustee Murphy seconded by Trustee Martin.

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 Martin  
4 MEMBER MARTIN: Yes.  
5 CHAIRMAN FORTUNA: Trustee Tebbens.  
6 MEMBER TEBBENS: Yes.  
7 CHAIRMAN FORTUNA: Trustee Valencia.  
8 MEMBER VALENCIA: Yes.  
9 CHAIRMAN FORTUNA: And I am a yes.  
10 Motion carries.  
11 MEMBER MURPHY: I'd like to make a motion  
12 for reexam consistent with the Board's policies.  
13 MEMBER MARTIN: Second.  
14 CHAIRMAN FORTUNA: Motion for reexam by  
15 Trustee Murphy seconded by Trustee Martin.  
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 Martin

2 MEMBER MARTIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Counsel has previously  
10 sent around proposed Findings of Fact and  
11 Conclusions of Law in the matter. Having had a  
12 chance to review those, I'd like to make a motion  
13 to adopt the Findings of Fact and Conclusion of Law  
14 in this matter.

15 MEMBER SHERIDAN: Second.

16 CHAIRMAN FORTUNA: Motion by Trustee  
17 Murphy seconded by Trustee Sheridan.

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 Martin

4 MEMBER MARTIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: Trustee Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 Mr. Graves, based on the Findings of Fact  
12 and Conclusions of Law made by the Trustees, the  
13 Trustees have voted to grant you the benefit you  
14 have requested.

15 You will be notified by mail of the  
16 Findings of Fact and the Board's decision.

17 Mr. Graves, thank you, and good luck.

18 MR. GRAVES: Thank you, sir, and thank  
19 you, Board.

20 MEMBER MURPHY: Moving on to our next  
21 disability applicant Ronald Regan.

22 MR. PINELLI: Let the record reflect this  
23 is a hearing on the application for a Duty  
24 Disability benefit being made by EMT Captain Ronald

1       Regan.

2                   Good morning, sir. I am one of the  
3 attorneys conducting this hearing for the record.  
4 Can you hear me?

5                   MR. REGAN: Yes, I can hear you.

6                   MR. PINELLI: I'd like to advise you of  
7 some preliminary matters before we start the  
8 evidence.

9                   First of all, there are eight trustees  
10 available now to hear the evidence on your  
11 application. If you don't know you should know the  
12 Pension Code requires that you get the yes vote of  
13 at least five trustees in order to receive this  
14 benefit. Do you understand that?

15                   MR. REGAN: Yes, sir.

16                   MR. PINELLI: Mr. Regan, I also see that  
17 you do not have an attorney representing you in  
18 this matter. Is it your desire to proceed without  
19 an attorney?

20                   MR. REGAN: Yes, sir.

21                   MR. PINELLI: Lastly, it is the  
22 applicant's burden of proof to present sufficient  
23 evidence to the board in order for the Board to  
24 grant the benefit that the applicant is seeking.

1 Do you understand it is your burden of proof?

2 MR. REGAN: Yes, sir.

3 MR. PINELLI: By way of procedures, I am  
4 going to start by asking you some questions under  
5 oath. The board members may or may not have  
6 questions of you. Then I will call the Fund doctor  
7 to testify Dr. Peters. If there is anything I  
8 don't ask him that you think is important for the  
9 Board to know, please let me know and you will be  
10 given that opportunity. Do you understand the  
11 procedures?

12 MR. REGAN: Yes, I do.

13 MR. PINELLI: Then we are ready to  
14 proceed. Could I have Dr. Peters and Mr. Regan  
15 both please raise your right hands?

16 (Witnesses sworn.)

17 RONALD REGAN

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, we are ready to proceed. Could you  
23 please state your name for the record?

24 A My name is Ronald Regan, Jr.

1           Q     What's your rank with the Fire  
2     Department?

3           A     Captain EMT.

4           Q     What was your last assignment before you  
5     went on layup?

6           A     Engine 104.

7           Q     Directing your attention to the Board  
8     Exhibits previously marked 1 through 11, you should  
9     have received a copy of those from the staff in  
10    advance of today's hearing. Did you receive such a  
11    copy?

12          A     Yes, sir.

13          Q     Did you have a chance to review them?

14          A     Yes, sir.

15          Q     Do you have any objection to their  
16    admission into the record in support of your  
17    application?

18          A     No, sir.

19                   MR. PINELLI: Thank you.

20                   Mr. President, I move for admission of  
21    Board Exhibits 1 through 11 without objection from  
22    the applicant.

23                   CHAIRMAN FORTUNA: Admitted without  
24    objection.

1 MR. PINELLI: Thank you.

2 (Board Exhibits 1 through 11 were  
3 admitted into the record.)

4 BY MR. PINELLI:

5 Q Mr. Regan, you are applying for this Duty  
6 Disability benefit based upon medical conditions  
7 that you have experienced. Can you just briefly  
8 describe for the Board what they are understanding  
9 that the Board does have your written statement but  
10 just give us a brief description of what happened  
11 to you.

12 A Yes, sir. On November 8th, roughly, I  
13 wasn't feeling too well. I check my body  
14 temperature -- I normally do because I know Covid  
15 was in the air. I had no fever so I wasn't overly  
16 concerned. I talked to my daughter, who is a  
17 nurse, and she suggested that I take a Covid test  
18 anyway.

19 I took the test but I hadn't heard  
20 results before my next workday so I called down to  
21 the Medical Department and informed them that I  
22 took the Covid test but I hadn't gotten my results.

23 The chief said how do you feel? I said I  
24 feel okay. She said, well, go to work. So I went

1 to work. And that day I wasn't feeling too well  
2 and what I did was I did my normal work for the day  
3 and as the day went on I was feeling bad. You  
4 know, I was feeling worse and worse.

5 So I was trying to lay down and try to  
6 sleep it off. I was checking my temperature and  
7 stuff all day. I had no temperature.

8 We got a fire about 9:20. Something like  
9 that. We went to the fire. We set everything up.  
10 It was a pretty big fire. And after we got  
11 everything setup we was sitting around. What we  
12 normally do is we sit around after we get  
13 everything set up and had the water on the fire.  
14 We was watching the fire. I was feeling worse and  
15 worse as the night went on.

16 So I had to go and tell my Battalion  
17 Chief and the DDC, who was standing together, that  
18 I was going to go to the ambulance to have them  
19 check me out to make sure everything was okay.

20 When I got in the ambulance, the  
21 Paramedic looked at me funny. She said, you know,  
22 your heart rate is 40. I said, well, you know,  
23 that is because I am an athlete. I was joking. I  
24 really didn't know anything was that serious. She

1       said, no, it is not that. We are taking you to the  
2       hospital so they took me to the hospital.

3               When I got to the hospital, the doctor  
4       came and looked at me and she said you have Covid  
5       because they gave me a test when I got there. Then  
6       the results from the other test I guess came back  
7       as well that confirmed that.

8               Then she told me that I need a pacemaker  
9       because my heart rate was so slow and I need a  
10      heart block.

11              Being the person I am, I said, you know,  
12      I don't need a pacemaker. She says everybody who  
13      comes in here tells me that.

14              I was in the hospital for six days. They  
15      put me on a CPAP or a BiPAP. I am not sure which  
16      one it was. I was not intubated or anything.

17              But when I got out on about November  
18      20th, I got a letter from the fire department that  
19      said that somebody on my shift had Covid ten days  
20      before I went into the hospital. So when I laid up  
21      it was a duty layup because I was at work. That is  
22      my story, I don't know what else you want me to  
23      tell you.

24              Q       That is fine, sir. I appreciate what you

1 told me. In addition, you underwent a couple of  
2 procedures for your heart. One for the heart block  
3 and then subsequently you also had it looks like an  
4 ablation procedure to deal with atrial fibrillation  
5 or atrial flutter?

6 A Yes, sir. I have both. They put a  
7 pacemaker in. And, of course, since then I have  
8 been going back and forth to Northwestern to have  
9 different procedures done. They are now talking  
10 about putting in a defibrillator in replacement of  
11 my pacemaker just in case.

12 Q The records I saw indicate that you have  
13 no history of smoking cigarettes; is that correct?

14 A No, I never smoked.

15 Q Did you ever have any medical treatment  
16 for your heart or your lungs prior to November of  
17 2020?

18 A No, sir.

19 Q Since you went on layup, have you engaged  
20 in any activities by which you earn income?

21 A No, sir.

22 Q Have you engaged in any sporting  
23 activities?

24 A No, sir.





1 Q Do you perform a function as a consultant  
2 to this fund?

3 A Yes.

4 Q In that capacity, do you review medical  
5 records, examine or interview applicants and report  
6 to the Board?

7 A Yes, I do.

8 Q Did you file a written report with the  
9 Board with respect to Captain Regan?

10 A Yes, I did.

11 Q And as a result of the current  
12 conditions, did you interview him rather than  
13 examine him?

14 A Yes. Due to the pandemic, I interviewed  
15 him on the phone.

16 Q Was the information he provided you in  
17 that interview consistent with the medical records  
18 that you reviewed?

19 A Yes, it was.

20 Q Can you briefly summarize for us what is  
21 his medical history with respect to COVID-19 and  
22 any subsequent medical conditions?

23 A Yes. Captain Regan, as he described, was  
24 on fire grounds. Felt lightheaded. The paramedics

1 at the scene noted that he had a slow heart rate.  
2 For that reason, he was transported to the  
3 emergency department where he was found to have a  
4 slow heart rate secondary to complete heart block.  
5 Meaning that the electrical part of his heart that  
6 causes the heart to contract was not connected  
7 electronically to the actual ventricles that  
8 contract. So, therefore, there was a complete  
9 disconnect between the electrical conduction of his  
10 heart and the actual physical pumping function of  
11 the heart. That required a pacemaker to replace  
12 his nonfunctioning pacemaker within his heart.

13 He also had a documented duty exposure to  
14 COVID-19 and he tested positive both the test that  
15 he had done prior to his ED visit and admission  
16 ended up becoming positive and he was positive at  
17 the hospital.

18 My review of the medical literature would  
19 show strong support that some people do present  
20 with complete heart block at the time of their  
21 diagnosis of COVID-19.

22 And then he also developed an arrhythmia/  
23 atrial flutter that required an electronic  
24 cardioversion. Because of that and because of the

1 risk of thrombotic stroke, he is on a blood thinner  
2 Xarelto. And then subsequently developed a  
3 cardiomyopathy, which is why he likely will need a  
4 defibrillator implanted.

5 Q Doctor, if I understand what you're  
6 saying then, these subsequent heart conditions that  
7 he has developed and been treated for, there is a  
8 causal connection between that and a COVID-19  
9 infection?

10 A The definite answer is yes. Although, in  
11 Captain Regan's case, he also has developed a  
12 second problem, sarcoidosis, which is an  
13 infiltrative disease that is involving his lungs  
14 and heart.

15 Most likely that's not related to Covid  
16 but the primary issue that he has with the complete  
17 heart block, the atrial flutter requiring  
18 cardioversion, the pacemaker, being on Xarelto, all  
19 of that is most likely and very likely related to  
20 his Covid infection.

21 Q Okay. Given those conditions and  
22 symptoms, would he be able to perform his duties  
23 with the department?

24 A No, he would not.

1 MR. PINELLI: Thank you, doctor. That is  
2 all the questions I have.

3 CHAIRMAN FORTUNA: Trustees, any  
4 questions for the doctor?

5 Hearing none.

6 MEMBER MARTIN: I'd like to make a motion  
7 to grant.

8 MEMBER MURPHY: Second.

9 CHAIRMAN FORTUNA: Motion to grant by  
10 Trustee Martin seconded by Trustee Murphy.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee  
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee Martin

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: I'd like to make a motion  
5 for reexam consistent with the Board policies.

6 MEMBER SHERIDAN: Second.

7 CHAIRMAN FORTUNA: Motion for reexam by  
8 Trustee Murphy seconded by Trustee Sheridan.  
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 Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Counsel has previously  
3 sent around proposed Findings of Fact and  
4 Conclusions of Law. Having had a chance to review  
5 those, I would like to make a motion to adopt those  
6 Findings of Fact and Conclusions of Law in this  
7 matter.

8 MEMBER TEBBENS: Second.

9 CHAIRMAN FORTUNA: There's a motion by  
10 Trustee Murphy seconded by Trustee Tebbens.  
11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee  
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee Martin

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 Based on the Findings of Fact and  
5 Conclusions of Law made by the Trustees, the  
6 Trustees have voted to grant you the benefit you  
7 have requested.

8 You will be notified by mail of the  
9 Findings of Fact and the Board's decision.

10 Thank you, very much, and good luck to  
11 you.

12 MR. REGAN: Thank you, sir. Thank you,  
13 Board.

14 MEMBER MURPHY: Mr. President, moving on  
15 to our next applicant, Jose Mendez, Lieutenant, 3rd  
16 District Relief. I believe he's represented by  
17 counsel.

18 MR. PINELLI: Yes, that is correct.

19 Let the record reflect this is a hearing  
20 on the application for a Duty Disability benefit  
21 being made by Jose Mendez.

22 Mr. Mendez, are you on the line?

23 MR. MENDEZ: Yes, I am.

24 MR. PINELLI: Very well. Good morning.



1           You are represented by counsel. Counsel,  
2 could you identify yourself for the record, please?

3           MR. MARCONI: Good morning. Jerry  
4 Marconi on behalf of Lieutenant Mendez.

5           MR. PINELLI: Good morning, Mr. Marconi.  
6 Before we proceed with the hearing, I'd like to  
7 just deal with the exhibits. Counsel, did you  
8 receive a copy of Board Exhibits 1 through 11?

9           MR. MARCONI: I did receive a copy via  
10 email and then I forwarded those over to Lieutenant  
11 Mendez.

12          MR. PINELLI: After your review and  
13 Lieutenant Mendez's review, do you have any  
14 objection to the admission of those exhibits into  
15 the record?

16          MR. MARCONI: No.

17          MR. PINELLI: Thank you.

18          Mr. Chairman, I would move for admission  
19 of Board Exhibits 1 through 11 without objection  
20 from the applicant.

21          CHAIRMAN FORTUNA: Admitted without  
22 objection.

23                 (Board Exhibits 1 through 11 were  
24                 admitted into evidence.)

1           MR. PINELLI: Then we are ready to  
2 proceed. Counsel, do you wish to call any  
3 witnesses?

4           MR. MARCONI: Yes. I would call  
5 Lieutenant Mendez.

6           MR. PINELLI: Lieutenant, could you  
7 please raise your right hand?

8                           (Witness sworn.)

9           MR. PINELLI: Counsel, you may proceed.

10                           JOSE MENDEZ

11 a witness herein, having been first duly sworn, was  
12 examined and testified as follows:

13                           EXAMINATION

14                           BY MR. MARCONI:

15           Q Lieutenant Mendez, you're the applicant  
16 in this case; is that correct?

17           A Yes.

18           Q You submitted your application on  
19 September 24, 2021; is that correct?

20           A Correct.

21           Q All of the information within that  
22 affidavit as you reviewed it recently is all true  
23 and accurate; is that correct?

24           A Correct.

1           Q     You have been employed by the Chicago  
2 Fire Department since February of 1998; is that  
3 correct?

4           A     Correct.

5           Q     And how long had you been a Lieutenant  
6 before you laid up?

7           A     Approximately two to three months.

8           Q     Prior to a Lieutenant, where were you  
9 assigned? What was your unit of assignment?

10          A     I was at Engine 9 for approximately one  
11 year and then prior to that Squad 2 for almost 18  
12 years.

13          Q     Squad 2, just for the record, just  
14 briefly, what were the duties on Squad 2?

15          A     It was a rescue unit so we would dive for  
16 victims in lakes, rivers, Lake Michigan. We would  
17 do high angle rescue. We would do hazmat. Pretty  
18 much whatever the City needed.

19          Q     I would assume you need to be in good  
20 health to be in that unit; is that correct?

21          A     Correct. They would give us physicals  
22 like every three to four years just to be able to  
23 dive.

24          Q     Now, in your affidavit, it indicates that

1 everyone was tested at Rescue 1 on November 19,  
2 2020 for Covid; is that correct?

3 A Yes.

4 Q What is Rescue 1?

5 A Rescue 1 is a firehouse on proper land at  
6 the airport at Chicago O'Hare Airport.

7 Q It is your understanding without naming  
8 names one of your coworkers tested positive, is  
9 that correct, and was sent home?

10 A Yes. On the 19th, one person tested  
11 positive and was sent home, correct.

12 Q On November 23rd, did you start feeling  
13 or having symptoms of Covid?

14 A I woke up and I came home and I was  
15 telling my wife that my knees and legs were really  
16 sore and achy. Since she is a nurse practitioner,  
17 she advised me to go get a Covid test because that  
18 was a symptom.

19 Q You also have a daughter; is that  
20 correct?

21 A Correct, I do.

22 Q How old is your daughter?

23 A Right now she is four. At the time she  
24 was three.

1           Q     So you followed your wife's advice and  
2     you went and got a test; is that correct?

3           A     Correct.

4           Q     Did your wife and daughter also go get a  
5     test?

6           A     Yes, I got tested Monday morning and I  
7     was positive. I think I got the test like 10:30.  
8     I was positive by 12. And my wife called her  
9     physician and they sent her that afternoon to go  
10    get Covid tested and my daughter was tested the  
11    following day about noon-ish. My wife and daughter  
12    both came back negative.

13          Q     Okay. At that point the only people in  
14    your home would have been your wife and your  
15    daughter; is that correct?

16          A     Correct.

17          Q     As of the 24th, you were positive, they  
18    were both negative; is that correct?

19          A     Yes.

20          Q     Did your wife and daughter then within  
21    say a week begin to display symptoms?

22          A     My wife was positive about a week  
23    afterwards and then my daughter was like four or  
24    five days after her.

1           Q     Now, in your affidavit, you describe that  
2     your symptoms worsened and you ended up at  
3     Northwestern in the ER I believe; is that correct?

4           A     Correct.

5           Q     Were you admitted into the hospital?

6           A     Yes. I was admitted with -- I was Covid  
7     positive but then did an x-ray of my lungs and I  
8     had Covid pneumonia in both of them already.

9           Q     Were you in Intensive Care or was it a  
10    regular room?

11          A     A regular room but on the Covid unit.

12          Q     And from that it looks like you started  
13    seeing a pulmonologist, a cardiologist, an ENT, and  
14    then you had also a primary care physician; is that  
15    correct?

16          A     Correct.

17          Q     Are you still experiencing any kind of  
18    heart issues?

19          A     Yes. I have -- what do you call it -- I  
20    got a higher heart rate than normal so they have me  
21    on Metoprolol 25 milligrams a day. And then they  
22    did have me on a heart monitor also because of -- I  
23    had a bunch of fluttering in the heart and they  
24    wanted to see what it was but that's how they

1 realized my heart rate was faster than normal.

2 Q Right now you're just watching the heart  
3 is that fair to say?

4 A Correct.

5 Q Then is Dr. Collander still your  
6 pulmonologist?

7 A Correct.

8 Q Doctor Hughes, you are still seeing an  
9 ENT doctor?

10 A Correct.

11 Q You indicated in your affidavit there is  
12 a Northwestern Covid Clinic program. Are you still  
13 in that?

14 A Yes, I am. It is for long haulers and  
15 they take a bunch of us. They are trying to do  
16 research with it and they set us up with a doctor  
17 that we would need.

18 Q Currently what are your symptoms -- or,  
19 I'm sorry, why do you feel that you can't go back  
20 to the job right now?

21 A The main reason is they have me on two  
22 inhalers. One I take daily. It is a steroid.  
23 Albuterol in the morning. And then they have me on  
24 a rescue inhaler. I am supposed to take four puffs

1 as needed and I do that two to three times a week.  
2 Sometimes more. But easily I have a chronic cough  
3 that I just cannot get rid of. If I take a deep  
4 breath, that makes me cough and it's hard to take a  
5 deep breath for me. The weather affects me daily,  
6 depending on what it is. This morning when I  
7 walked the dog around the block, I had to take  
8 Albuterol because it was getting hard to breathe.  
9 I used to be able to mow my lawn, you know,  
10 straight through. Now I have to stop two or three  
11 times to catch my breath. Climbing stairs, if I do  
12 two flights, my leg -- I get some kind of muscle  
13 soreness and it's my legs just make me stop and I  
14 have to start catching my breath. I have to do  
15 that for a little bit. I get one to two headaches  
16 a day which I would never do. It's just a lot.

17 Q Right now are you following all the  
18 directions of your doctors to try to get better so  
19 that you can return to work?

20 A Yes. They said take your medicine, do  
21 cardio. Pretty much they are saying it is time.  
22 It is only time that is going to take -- time will  
23 tell you everything later. But, you know, I  
24 exercise. I get on a bicycle every day for about



1 30 minutes. They had me on pulmonary rehab so I  
2 was doing that.

3 Q Is it your goal to do everything you can  
4 and try to get back to work as quick as you can?

5 A Yes, that would be great.

6 MR. MARCONI: I have nothing else Vince.

7 MR. PINELLI: Thank you.

8 CHAIRMAN FORTUNA: Trustees, any  
9 questions?

10 Go ahead, Vince. Trustees have no  
11 questions.

12 MR. PINELLI: Thank you, Mr. President.

13 EXAMINATION

14 BY MR. PINELLI:

15 Q I just have a few questions, Mr. Mendez,  
16 to followup on the ones your counsel asked you.

17 It looks like from the records I saw from  
18 your social history that you never smoked  
19 cigarettes; is that accurate?

20 A Correct. Never smoked.

21 Q Did you ever have any treatment at all  
22 for either your lungs or your heart prior to this  
23 diagnosis of COVID-19?

24 A In 2013, I had an infection on the pleura



1 Q Sir, state your name for the record.

2 A Michael I. Peters.

3 Q You are a physician; is that correct?

4 A Yes, I am.

5 Q And a copy of your qualifications as a  
6 physician are attached to the Board Exhibits,  
7 correct?

8 A Yes.

9 Q Do you perform a function as a consultant  
10 to this fund?

11 A Yes, I do.

12 Q In that capacity, do you review medical  
13 records, interview or examine applicants and report  
14 to the Board?

15 A Yes.

16 Q Did you file a written report with the  
17 Board that is marked as Board Exhibit Number 2?

18 A Yes, I did.

19 Q With respect to Lieutenant Mendez, did  
20 you interview him?

21 A By telephone, yes.

22 Q Were the answers that he gave you to the  
23 questions you asked consistent with the medical  
24 records you had reviewed?

1           A     Yes, they were.

2           Q     Could you please summarize for us what  
3 your findings were with respect to any diagnosis  
4 that he has and any symptoms that he is currently  
5 experiencing?

6           A     Lieutenant Mendez had a documented duty  
7 exposure for COVID-19 and then he subsequently  
8 developed an acute infection, that was diagnosed as  
9 a Covid pneumonia, requiring supplemental or extra  
10 oxygen so he was hospitalized.

11                     Since that time, he has had persistent  
12 post-Covid restrictive lung disease. Meaning that  
13 his overall lung volume and his ability to exhale  
14 quickly are both reduced. He also has evidence of  
15 his oxygen level dropping when he goes on a  
16 formalized six minute walk test.

17                     As he described, he requires frequent use  
18 of a rescue Albuterol inhaler for minimal exertion  
19 really. For short walks. For doing activities  
20 around the house like cutting the lawn. Going up  
21 and down stairs. He has a chronic cough. He has  
22 had multiple courses of Prednisone steroid use  
23 since his diagnosis.

24           Q     You talked about his lung volumes being

1 decreased was that determined through objective  
2 testing?

3 A Yes, he had a series of pulmonary  
4 function tests and his lung volumes have worsened  
5 over time.

6 Q Understanding, doctor, that we're still  
7 all learning about this disease and/or this  
8 infectious virus and its impacts, have you seen  
9 anything yet, medical literature or your own  
10 experience, that indicates what if any expected  
11 course might be that he could recover from this?

12 A I think it is too soon to say that that  
13 is likely to happen. Given the severity of his  
14 present restrictive lung disease, he clearly can't  
15 function as a firefighter or on a rescue team now.  
16 I think only time will tell whether he will  
17 improve.

18 MR. PINELLI: Thank you, doctor. That is  
19 all the questions I have.

20 Counsel, do you have any questions?

21 MR. MARCONI: None.

22 CHAIRMAN FORTUNA: Trustees, do you have  
23 any questions for the doctor?

24 MEMBER MURPHY: No, sir.

1                   CHAIRMAN FORTUNA:   Hearing no questions.

2                   MEMBER MURPHY:   I would like to make a

3 motion to grant the benefits requested by Jose

4 Mendez.

5                   MEMBER MARTIN:   Second.

6                   CHAIRMAN FORTUNA:   There is a motion to

7 grant seconded by Trustee Martin.

8 Trustee Murphy.

9                   MEMBER MURPHY:   Yes.

10                  CHAIRMAN FORTUNA:   Trustee Sheridan.

11                  MEMBER SHERIDAN:   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 Martin

18                  MEMBER MARTIN:   Yes.

19                  CHAIRMAN FORTUNA:   Trustee Tebbens.

20                  MEMBER TEBBENS:   Yes.

21                  CHAIRMAN FORTUNA:   Trustee Valencia.

22                  MEMBER VALENCIA:   Yes.

23                  CHAIRMAN FORTUNA:   And I am a yes.

24                  Motion carries.

1                   MEMBER MURPHY: I would like to make a  
2 motion for reexam consistent with the Board's  
3 policy.

4                   MEMBER SHERIDAN: Second.

5                   CHAIRMAN FORTUNA: Motion for reexam  
6 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 Martin

17                  MEMBER MARTIN: Yes.

18                  CHAIRMAN FORTUNA: Trustee Tebbens.

19                  MEMBER TEBBENS: Yes.

20                  CHAIRMAN FORTUNA: Trustee Valencia.

21                  MEMBER VALENCIA: Yes.

22                  CHAIRMAN FORTUNA: And I am a yes.

23                  Motion carries.

24                  MEMBER MURPHY: Counsel has previously

1 sent around proposed Findings of Fact and  
2 Conclusions of Law in this matter. Having had a  
3 chance to review those, I would like to make a  
4 motion to adopt the Findings of Fact and  
5 Conclusions of Law in this matter.

6 MEMBER TEBBENS: Second.

7 CHAIRMAN FORTUNA: Motion by Trustee  
8 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 Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.



1 Motion carries.

2 Based on the Findings of Fact and  
3 Conclusions of Law made by the Trustees, the  
4 Trustees have voted to grant you the benefit you  
5 have requested.

6 You will be notified by mail of the  
7 Findings of Fact and the Board's decision.

8 Good luck to you.

9 MR. MENDEZ: Thank you. Thank you,  
10 Board.

11 MEMBER MURPHY: Mr. President, moving on  
12 to your next applicant.

13 MS. BURNS: This next applicant is a  
14 gentleman by the name of Francesco Paolucci.

15 I wanted to advise the Board that I had  
16 conversations this morning with Mr. Paolucci's  
17 Union attorney. Mr. Paolucci is involved in some  
18 employment matters with the City. We can get into  
19 that in more detail in closed session, if there are  
20 questions

21 At the written request of this attorney,  
22 Mr. Paolucci would like us to defer this matter  
23 until the January meeting.

24 Would you entertain a motion at the

1 request of the applicant, after consultation with  
2 the Fund's counsel, to defer this matter to  
3 January, 2022?

4 CHAIRMAN FORTUNA: I will need a motion.

5 MEMBER MARTIN: I will make a motion to  
6 defer.

7 CHAIRMAN FORTUNA: There is a motion by  
8 Trustee Martin.

9 MEMBER VALENCIA: Second.

10 CHAIRMAN FORTUNA: Seconded by Trustee  
11 Valencia.

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 Martin

22 MEMBER MARTIN: 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                   Thank you.

6                   MEMBER MURPHY:  Moving on to our next  
7 applicant Battalion Chief James Soludczyk.

8                   MR. PINELLI:  Let the record reflect this  
9 is a hearing on the application for a Duty  
10 Disability Benefit being made by Battalion Chief  
11 James Soludczyk.

12                   Good morning, Mr. Soludczyk.  My name is  
13 Vince Pinelli.  I am one of the attorneys for the  
14 Fund.  I will be conducting this hearing for the  
15 record.  I'd like to advise you of some preliminary  
16 matters before we start the evidence.

17                   First of all, there are currently eight  
18 trustees present to hear the evidence on your  
19 application.  You would need the yes vote of at  
20 least five of those eight trustees in order to  
21 receive this benefit.  Do you understand that?

22                   MR. SOLUDCZYK:  Yes, sir.

23                   MR. PINELLI:  In addition, I see that you  
24 have not hired an attorney to represent you in this

1 matter. Is it your desire to proceed without an  
2 attorney?

3 MR. SOLUDCZYK: That is correct.

4 MR. PINELLI: Lastly, it is the  
5 applicant's burden of proof to present sufficient  
6 evidence to the Board in order for the Board to  
7 grant the benefit that the applicant is seeking.  
8 Do you understand it is your burden of proof?

9 MR. SOLUDCZYK: Yes, sir.

10 MR. PINELLI: By way of procedures, I am  
11 going to start by asking you some questions under  
12 oath. The board members may or may not have  
13 questions of you. Then I will call the Fund's  
14 physician consultant Dr. Samo to testify. If there  
15 is anything I don't ask him that you think is  
16 important for the Board to know, please let me know  
17 and you will be given that opportunity. Do you  
18 understand the procedures?

19 MR. SOLUDCZYK: Yes. Understood.

20 MR. PINELLI: Thank you. Then we are  
21 ready to proceed. Is Dr. Samo on the line?

22 DOCTOR SAMO: Yes, I am.

23 MR. PINELLI: Good morning, doctor.

24 DOCTOR SAMO: Good morning.

1 MR. PINELLI: Doctor, would you and Mr.  
2 Soludczyk please both raise your right hands?

3 (Witnesses sworn.)

4 JAMES SOLUDCZYK

5 a witness herein, having been first duly sworn, was  
6 examined and testified as follows:

7 EXAMINATION

8 BY MR. PINELLI:

9 Q Mr. Soludczyk, would you please state  
10 your name for the record?

11 A James Peter Soludczyk.

12 Q Thank you. What is your current rank  
13 with the Fire Department?

14 A I am currently a Battalion Chief EMT.

15 Q Sir, what was your last assignment before  
16 you went on layup?

17 A I was the Deputy Commissioner of Special  
18 Projects for the Chicago Fire Department.

19 Q Did your assignment change between the  
20 time you were on layup and today's date?

21 A Yes. Because of the collective bargain  
22 agreement and agreements, prior to retiring you  
23 have to go down to the Civil Service rank to afford  
24 the benefits of that collective bargain agreement.

1 So in September I was the service rank of Battalion  
2 Chief EMT.

3 Q September 17th to be exact?

4 A Yes.

5 Q Thank you. Now, let's talk about the  
6 exhibits. You should have been provided a copy of  
7 Board Exhibits 1 through 19 before today's hearing.  
8 Did you receive those?

9 A Yes, sir.

10 Q Did you have a chance to review them?

11 A Yes, sir.

12 Q Do you have any objection to their  
13 admission into the record in support of your  
14 application?

15 A No, sir.

16 MR. PINELLI: Thank you.

17 Mr. President, I move for admission of  
18 Board Exhibits 1 through 19 without objection from  
19 the applicant.

20 CHAIRMAN FORTUNA: Exhibits admitted  
21 without objection.

22 MR. PINELLI: Thank you.

23 (Board Exhibits 1 through 19 were  
24 admitted into evidence.)

1 BY MR. PINELLI:

2 Q Now, sir, directing your attention to  
3 October 1st of 2020, did you sustain an injury or  
4 injuries that is the basis of your application?

5 A Yes, I did, sir.

6 Q Understanding the Board does have your  
7 written statement as part of the Board Exhibits to  
8 review, would you please just briefly describe for  
9 us today where you were and what happened to you?

10 A At the time I was a 3-11 Duty Chief for  
11 the City of Chicago Fire Department. And at that  
12 time I was heading to the 3rd Battalion  
13 headquarters to meet with the battalion to give  
14 them some equipment. The companies in the  
15 battalion also hold what we call a night roll call,  
16 which is customary for all Duty Chiefs, which was  
17 to at least visit one engine company or firehouse  
18 in the City just to review different policies and  
19 procedures that come up in recent times.

20 While en route there, I was sitting at an  
21 in line intersection. I was on the 18th Street  
22 bridge just east of Canal Street and light was red.  
23 I was stopped. And a vehicle came across the crest  
24 of the bridge and abruptly struck my vehicle and

1 sent me forward. I was restrained.

2 I got out of my vehicle at first to  
3 assess the damage. I saw his car severely damaged.  
4 My car had minimal damage. It was a brand new Ford  
5 Explorer, which has a robust rear end to prevent  
6 any sense of damage to the vehicle.

7 I advised the individual that I got on my  
8 radio and I notified the fire alarm office that I  
9 was involved in an accident.

10 Due to the traffic on this bridge, I said  
11 let's proceed to the intersection. Once we  
12 actually reached the intersection, the Battalion  
13 Chief responded to the investigation and a squad  
14 car from the CPD arrived on the scene.

15 The individual advised me that he was a  
16 coach for St. Ignatius and he needed to open the  
17 facility. I told him it was not an option at the  
18 time.

19 After confirming with the police officer,  
20 we agreed that we would let him go open the  
21 facility because he stated there were several  
22 hundred kids that were there for soccer practice  
23 and he was the only one who was able to let them in  
24 the facility. So the police advised me that would



1 be acceptable.

2 I then via radio I changed the accident  
3 investigation to 1st District Headquarters at  
4 Engine 18's quarters.

5 While proceeding there, I noticed that my  
6 body started to present the effects of the  
7 accident. I had severe thoracic back pain and I  
8 noticed that my arms were beginning to tighten up.

9 Once I got to Engine 18's quarters, I was  
10 greeted by DDC Carboneau, who was the accident  
11 investigation leader at the time. I immediately  
12 curled over in pain. He requested an ambulance and  
13 I was treated at Rush for the pain. And I also  
14 noticed that I had a condition that still presents  
15 to me. I feel like I have a constant bear hug  
16 affect in my upper arms where I have constant  
17 numbness going from my shoulders down to my hands.

18 I was then referred by the Medical  
19 Section to Dr. Shapiro. He examined me. He sent  
20 me for an EMG and an additional MRI. Then I had  
21 surgery for corrective -- surgical cervical  
22 correction on the 19th of January, which is a  
23 couple of months after the accident.

24 Gone through PT and nothing has seemed to

1       relieve the conditions of the numbness in my arm.

2                 Right now I have been referred again to  
3 another medical team for further treatment at this  
4 point. I have attended PT regularly. PT gives me  
5 minimal relief. It is constant numbness and pain  
6 and I don't have the ability to lift both my arms  
7 over my head. I have very limited peripheral view  
8 because of the cervical spine fusion of the 3/4  
9 spine. That is it.

10            Q     Let me just follow up with some  
11 questions. Thank you for that recitation.

12                 Prior to this October 1, 2020 date, had  
13 you ever had any injuries to your cervical or neck  
14 spine area before?

15            A     I did. That was -- I had a fusion at  
16 4/5/6 due to another injury it was on-duty. Again,  
17 that was performed by Dr. Shapiro.

18            Q     When was that?

19            A     That was November -- the surgery itself  
20 was November of 2019. The injury was July 2019.

21            Q     Okay. You say that you were on duty  
22 working for that injury as well?

23            A     Yes, I was.

24            Q     But you were able to come back to work

1 after that incident?

2 A Yes, I was returned to duty in July of  
3 2020.

4 Q When you are referring to the fusion  
5 surgery, when did you have the fusion surgery?

6 A The injury was January 19th of 2021.

7 Q So you had two surgeries following this  
8 incident on October 1, 2020.

9 A No, only one. Only one surgery. That  
10 was January 19th of 2021.

11 Q Let's talk about for a moment, while you  
12 were on layup you still had the duties of Deputy  
13 District Chief; is that correct?

14 A Deputy Fire Commissioner. The only  
15 duties -- I didn't have any duties. I was still in  
16 the capacity of the Deputy Fire Commissioner.

17 Q I'm sorry, I misspoke. I meant Deputy  
18 Fire Commissioner.

19 A My rank was still Deputy Fire  
20 Commissioner.

21 Q But while you were on layup, did you  
22 perform any duties as a Deputy Fire Commissioner  
23 that you're called upon to do?

24 A The only thing that was -- my name was in

1 facsimile that was created by Chang Wang, who was  
2 the IT coordinator for the Fire Department at that  
3 time. That was just a generic signature that was  
4 applied to General Orders, if you refer to the  
5 General Orders that was put in the packet. Any  
6 directives from the Bureau were signed by the  
7 Deputy Fire Commissioner. That was a generic  
8 signature because there was no other person in my  
9 stead that order allows my signature on SharePoint  
10 for departmental distribution. But I actually  
11 never physically reviewed any orders or anything on  
12 that matter.

13 Q Okay. Since your assignment changed from  
14 Deputy Fire Commissioner to Battalion Chief, have  
15 you engaged in any work activities?

16 A None whatsoever.

17 Q Since you went on layup, have you engaged  
18 in any activities by which you earn income?

19 A No, sir.

20 Q Can you briefly describe for the Board  
21 what your current condition is with respect to any  
22 pain or limitations that you have?

23 A It is constant numbness throughout my --  
24 it is bilateral. Equal both on the right and left

1 arms. My shoulders to my fingers. I describe it  
2 as a bear hug effect. It is constant squeezing of  
3 my shoulders. It limits my ability to even work on  
4 my computer. I can raise one arm at a time. I  
5 can't raise both arms at a time over my head. I  
6 have limited peripheral view due to the fusion. I  
7 have less than 30 degree rotation of my head to the  
8 left and about 45 to my right.

9 Q Okay. Are you currently taking any  
10 medications prescribed by a doctor for your  
11 condition?

12 A I went through three medical therapies.  
13 They all failed. I was seeing a physician, Dr.  
14 Hurley, from NorthShore Spine Institute. I am now  
15 waiting for a follow up visitation with two doctors  
16 to reevaluate and they are going to put me on a  
17 Ketamine regimen and they are also going to  
18 evaluate -- this is Dr. Kincaid and Dr. Dickerson  
19 from NorthShore and they are going to evaluate the  
20 possibility of a SCS, spine stimulator, to see if  
21 that works.

22 Another treatment that was prescribed by  
23 a therapist, I use the TENS Unit three or four  
24 times a day to stimulate my nerves in my upper

1 body.

2 Q Lastly, I see from a document you filed  
3 as an addendum to the application, that you have  
4 filed a lawsuit against a third-party. I take it  
5 that is against the driver that injured you?

6 A Yes. A couple weeks after the accident  
7 Farmers Insurance I believe was making some  
8 aggressive phone calls to me. And I felt at that  
9 time that -- I spoke with the Fire Department  
10 attorney Erin McCamp and he said you have to do  
11 what you got to do. I sought counsel just to  
12 protect myself. I didn't know what was going on  
13 with this guy but I had to protect myself. I  
14 didn't know what to do at the time. He said to  
15 proceed forward with a personal injury lawsuit and  
16 that is what we did.

17 Q That's fine. You've told us the name of  
18 the attorney and the case number of the lawsuit and  
19 that is all fine.

20 I just wanted to make you aware under the  
21 Pension Code Section 6-228 there are certain  
22 responsibilities you have to keep the Fund apprised  
23 of the progress of that lawsuit. I just wanted to  
24 make you aware of that and you will do that I

1 presume?

2 A Exactly, yes.

3 MR. PINELLI: Thank you. That's all the  
4 questions I have of the applicant.

5 MEMBER TEBBENS: I have a question,  
6 President Fortuna.

7 Chief Soludczyk, this is Trustee Tebbens.  
8 Just to be clear on the record, you said that there  
9 was another injury prior to 10-1-2020 on your  
10 spine.

11 MR. SOLUDCZYK: Yes, there was. We were  
12 in the process of doing some -- we were at Engine  
13 44's quarters and I injured my neck while moving  
14 some equipment there.

15 MEMBER TEBBENS; I don't see it reflected  
16 in the summary of layups. Were you laid up as a  
17 result of that previous injury of your shoulder?

18 MR. SOLUDCZYK: Yes. I was laid up and  
19 returned to duty in July of 2020.

20 MEMBER TEBBENS: I don't see that on the  
21 layup summary. Does anybody have that, that they  
22 can corroborate that or correct my record here? I  
23 am looking at Board Exhibit Number 4 of the  
24 original application and the last thing I have is a

1 shoulder injury, left shoulder injury, on 6-21.

2 CHAIRMAN FORTUNA: Trustee Tebbens, I  
3 believe if you look at 12.33, if that is what you  
4 are referring to.

5 MEMBER TEBBENS: I was looking at the  
6 summary but if it is reflected somewhere else then  
7 that's fine. Was that related to the left shoulder  
8 injury, Chief?

9 MR. SOLUDCZYK: The shoulder injury was  
10 August of 2019.

11 MEMBER TEBBENS: I see 6-21-19 on the  
12 shoulder injury. That was not associated with that  
13 injury?

14 MR. SOLUDCZYK: No. So the shoulder  
15 injury -- I was not laid up at the time. I was  
16 being medically deferred to be evaluated. I wasn't  
17 presenting with any symptoms for my neck injury at  
18 that time. There was an investigation going on to  
19 an incident that occurred with one of our ambulance  
20 units. I took a heart monitor off the shelf while  
21 and my arm fell immediately to the ground and it  
22 tore my left rotator.

23 MEMBER TEBBENS: Okay. President  
24 Fortuna, which exhibit do you have? 12 point what?



1                   CHAIRMAN FORTUNA: I believe it was  
2                   12.33.

3                   MEMBER TEBBENS: I have got 12.3 shows a  
4                   date of layup of 10-1-2020. That is my question,  
5                   he says there was an injury to his neck prior and I  
6                   don't see the layup anywhere in the record.

7                   MR. PINELLI: If I may, Trustee Tebbens,  
8                   that layup summary is basically a summary prepared  
9                   by staff from a review of the CFD medical records,  
10                  which are at the back, which are the exhibits that  
11                  the president is referring to 12.31, 32, 33. Those  
12                  are the actual Fire Department records that reflect  
13                  that. 12.30 refers to the cervical discectomy and  
14                  fusion that he had.

15                  MEMBER TEBBENS: 12.33 all the way at the  
16                  end so it is not in order.

17                  MR. PINELLI: There is a series of  
18                  records that start at the end from the Fire  
19                  Department Medical Section, that is what those 12  
20                  point series of exhibits are.

21                  MEMBER TEBBENS: That occurred during the  
22                  time of the shoulder injury? I am not following  
23                  that, that is why I am looking where it says the  
24                  summary here. It seems like they are all inclusive

1 of that. Did something occur during layup of the  
2 shoulder injury?

3 MR. SOLUDCZYK: No. I was laid up August  
4 31st.

5 MEMBER TEBBENS: When were you returned  
6 to duty from the shoulder injury?

7 MR. SOLUDCZYK: July of 2019. July 2020.  
8 I'm sorry, July 2020.

9 MEMBER TEBBENS: July of 2020. When did  
10 the neck injury occur?

11 MR. SOLUDCZYK: The second neck injury  
12 occurred August 1st -- October 1st, I'm sorry,  
13 2020.

14 MEMBER TEBBENS: I understand that one  
15 but you're saying there was an injury prior to the  
16 10-1-2020, that is why I am trying to find that in  
17 the record.

18 MR. SOLUDCZYK: I did not layup.

19 MEMBER TEBBENS: Wait a minute. You  
20 didn't layup?

21 MR. SOLUDCZYK: For the neck injury.  
22 There was no symptoms presenting at the time. They  
23 noticed it when they did my MRI for the shoulder so  
24 they -- I went to Northwestern. I was diagnosed

1 with the finger and they told me to follow up with  
2 an orthopedic surgeon. At the time Medical said I  
3 had no symptoms, that is all it was, and so I was  
4 returned to duty.

5 MEMBER TEBBENS: Do we have anything in  
6 the record to reflect that treatment?

7 MR. SOLUDCZYK: As far as what?

8 MEMBER TEBBENS: 12.33 is that what  
9 you're saying? I don't see anything. You know,  
10 doctor, you're going to have to help me out. Do we  
11 have that injury on report, that previous injury to  
12 his cervical spine, that occurred a couple months  
13 prior? Was it a month or two months? What was it,  
14 Chief?

15 MR. SOLUDCZYK: It was a month prior to  
16 the shoulder injury. It is all in the  
17 documentation. I don't have it in front of me.

18 MEMBER TEBBENS: You have got the  
19 shoulder injury. You're telling me that this  
20 cervical spine injury happened prior to 10-1  
21 between July and August of 2020?

22 MR. SOLUDCZYK: 2019. No, no, no. 2019,  
23 I was first injured. I don't know if it was June  
24 or July at Engine 44's quarters. I was transported

1 to Northwestern at that time. When I got to  
2 Northwestern, they diagnosed me with a popped  
3 finger. I had a MRI, had x-rays. I referred to  
4 Medical. Medical referred me to see a doctor. At  
5 the time I had no symptoms related to it.

6 MEMBER TEBBENS: I see it in the record  
7 here. I see a date of the 11-11-2019 cervical  
8 anterior cervical discectomy fusion.

9 MR. SOLUDCZYK: Correct.

10 MEMBER TEBBENS: You're saying the injury  
11 on 10-1 exacerbated this?

12 MR. SOLUDCZYK: No, it was a different  
13 injury. The injury on 10-1 bruised my spine.

14 MEMBER TEBBENS: Unrelated to the  
15 previous injury?

16 MR. SOLUDCZYK: Unrelated to the previous  
17 injury.

18 MEMBER TEBBENS: Okay, that's fine. So  
19 going back to your original layup was 10-1-2020.  
20 Between 10-1-2020 and today's date, you didn't  
21 perform any capacities in the Chicago Fire  
22 Department? Any functions? Did you appear in  
23 uniform? Did you appear in any activities to the  
24 Fire Department?

1           MR. SOLUDCZYK: I had no authoritative  
2 function at that time. Everything was referred to  
3 the Fire Commissioner at that time. He did call me  
4 several times for advice on different actions. My  
5 bureau did call me several times for advice on  
6 several actions. I did attend a ribbon cutting for  
7 Engine 115's facility.

8           MEMBER TEBBENS: You were in uniform and  
9 you performed some functions in that capacity?

10          MR. SOLUDCZYK: I did not perform any  
11 functions. I had no authoritative functions. I  
12 just showed up in a uniform but I had no authority  
13 at the time. There is no documentations that I  
14 approved or signed. There are several -- as Deputy  
15 Fire Commissioner, there are several invoices that  
16 have to be signed and everything. My signature was  
17 used but it was not my signature. It was a  
18 facsimile of my signature and any invoices that  
19 were signed by either a Deputy District Chief or  
20 District Chief and my initials --

21          MEMBER TEBBENS: That has been stated  
22 already and that is in the record as well. Let me  
23 ask you this last question. As a benefit so to  
24 speak of your rank as a Deputy Fire Commissioner,

1 you were assigned a vehicle, correct?

2 MR. SOLUDCZYK: That is correct.

3 MEMBER TEBBENS: When was that vehicle --  
4 when was your last use of that vehicle? When did  
5 you return that vehicle?

6 MR. SOLUDCZYK: That was July.

7 MEMBER TEBBENS: Do you still have access  
8 to it?

9 MR. SOLUDCZYK: July 2020. July 2021.

10 MEMBER TEBBENS: In July of 2020, you had  
11 access to a City vehicle in the summer of 2021?

12 MR. SOLUDCZYK: I was using that to  
13 report to Medical, that is it, and to my PT and all  
14 that.

15 MEMBER TEBBENS: Okay.

16 MR. SOLUDCZYK: That is it.

17 MEMBER TEBBENS: So you were provided a  
18 vehicle during your layup?

19 MR. SOLUDCZYK: That is correct, yes.

20 MEMBER TEBBENS: Was that a matter of  
21 practice? Is that typical of the rank of Deputy  
22 Fire Commissioner.

23 MR. SOLUDCZYK: That is typical of it.

24 MEMBER TEBBENS: That during a layup

1 period you have access to a City vehicle?

2 MR. SOLUDCZYK: Yes.

3 MEMBER TEBBENS: Okay. That is all the  
4 questions I have.

5 CHAIRMAN FORTUNA: Trustees, any  
6 questions?

7 MEMBER MARTIN: You have access to that  
8 vehicle until the City takes it away, correct?

9 MR. SOLUDCZYK: That is correct.

10 MEMBER MARTIN: Until the City picks it  
11 up because you're laid up. I saw you at Engine 115  
12 for that ceremony. I was working. You were not.

13 To the extent that you have had multiple  
14 injuries to your cervical spine; is that correct?

15 MR. SOLUDCZYK: Yes.

16 MEMBER MARTIN: Obviously, this was the  
17 most severe and this is the one that kind of  
18 prompted you to file for a disability; is that  
19 correct?

20 MR. SOLUDCZYK: Yes, as it incapacitated  
21 me.

22 MEMBER MARTIN: Even to the extent that  
23 it aggravated a pre-existing injury, I think  
24 counsel could maybe clarify for Tebbens and for the

1 other Trustees, eligibility for a Duty Disability  
2 doesn't necessarily have to be for a specific  
3 injuring but cumulative injuries. Am I correct on  
4 that, Vince?

5 MR. PINELLI: Yes, it can be cumulative  
6 or it can be an exacerbation of a preexisting  
7 condition. Either one.

8 MEMBER TEBBENS: One comment just for the  
9 record to be clear. Regardless of any member's  
10 exempt rank status or career service status, I  
11 wouldn't want to see any member, any member  
12 whatsoever, deprived of their one-year layup, that  
13 is my concern. If there was working or any  
14 responsibilities that the City required of Chief  
15 Soludczyk, in his official capacity, he is  
16 entitled. This is not to deprive him of anything.  
17 It is to reaffirm what we provide to our members  
18 and that is you have a one-year layup. If he  
19 hasn't exhausted it, he is still entitled to that,  
20 which is quite frankly a greater financial economic  
21 benefit than a Duty Disability. This is the  
22 benefit of the member.

23 MEMBER MARTIN: Point made. I respect  
24 that.



1 MR. SOLUDCZYK: I appreciate that, too.

2 CHAIRMAN FORTUNA: Hearing no more  
3 questions, Vince.

4 MR. PINELLI: I have a followup with  
5 Chief Soludczyk before we go to the doctor, if I  
6 may.

7 CHAIRMAN FORTUNA: Please.

8 BY MR. PINELLI:

9 Q Chief Soludczyk, attached to the Board  
10 Exhibits as Board Exhibit 19 is the job description  
11 of a Battalion Chief. Did you see that?

12 A Yes, sir.

13 Q And that job description indicates that a  
14 Battalion Chief is required as part of the physical  
15 requirements to handle stressful and physically  
16 demanding environments and strenuous fire fighting  
17 work requiring physical strength, coordination,  
18 endurance and flexibility. Is that your correct  
19 understanding of the duties of a Battalion Chief?

20 A Yes, sir.

21 Q Could you meet that standard in your  
22 current condition?

23 A No. I have extreme difficulty even  
24 putting on a regular jacket. After the injury, I

1 was not even able to attempt to put on the SCBA, my  
2 breathing apparatus, affix the face piece to my  
3 head. Battalion Chiefs have to drive. I would not  
4 be able to safely drive in an emergency situation  
5 because of my limited peripheral view. My strength  
6 has greatly been diminished and I exercise two,  
7 three hours a day and it doesn't seem to want to  
8 come back to the point where I would be able to  
9 perform my duties.

10 Q Since the change in your rank in  
11 September, are you performing or have you been  
12 asked to perform any duties as Deputy Fire  
13 Commissioner?

14 A I have not been asked officially to  
15 perform any duties as Deputy Fire Commissioner  
16 since the injury. I was reached out for advice and  
17 direction by Commissioner Ford at the time and then  
18 Commissioner Holt just on minor issues, nothing of  
19 major concern.

20 MR. PINELLI: Okay. Thank you. That's  
21 all the questions I have.

22 Any other questions from the Trustees  
23 before I go to Dr. Samo?

24 CHAIRMAN FORTUNA: No more questions.

1 MR. PINELLI: I call Dr. Samo.

2 (Witness previously sworn.)

3 DANIEL SAMO, M.D.

4 a witness herein, having been first duly sworn, was  
5 examined and testified as follows:

6 EXAMINATION

7 BY MR. PINELLI:

8 Q Sir, please state your name.

9 A Daniel Samo.

10 Q Are you a physician?

11 A Yes.

12 Q Is a copy of your qualifications attached  
13 to the Board Exhibits?

14 A Yes.

15 Q Do you perform a function as a consultant  
16 to this fund?

17 A Yes.

18 Q In that capacity, do you review medical  
19 records, either examine or interview applicants,  
20 and report to the Board?

21 A Yes.

22 Q Did you follow that procedure with  
23 respect to Battalion Chief Soludczyk?

24 A Yes.

1           Q     And did you file a written report with  
2 the Board marked as Board Exhibit Number 2?

3           A     Yes, I did.

4           Q     Doctor, could you just briefly summarize  
5 for us your understanding of his diagnosis and  
6 treatment with respect to his injuries?

7           A     Well, as he explained in his history, he  
8 had a prior injury requiring neck surgery in  
9 November of 2019 as well as shoulder surgery in  
10 December of '19. He did recover from that but  
11 after the event he developed symptoms again and  
12 more severe symptoms and was diagnosed with a  
13 central cord myelomalacia, which is a bruise of his  
14 spinal cord.

15                     He eventually had a second surgery in  
16 January of '21 and really has not had a good  
17 recovery from that time on.

18           Q     Doctor, I forgot to ask you, but when you  
19 interviewed him was the information he provided to  
20 you consistent with the medical records that you  
21 had examined?

22           A     Yes, it was.

23           Q     And with respect to the accident or  
24 incident on October 1st, were you able to determine

1 at all whether the injury that occurred at that  
2 time was to the exact same area that he had the  
3 prior injury that resulted in the fusion or not?

4 A Really can't tell exactly where the new  
5 symptoms are coming from but it is in that general  
6 area, yes.

7 Q Given his current symptoms, would he be  
8 able to perform his duties as a Battalion Chief  
9 with the Fire Department, based upon the job duties  
10 that are attached?

11 A No.

12 MR. PINELLI: Thank you, doctor, that is  
13 all the questions I have.

14 CHAIRMAN FORTUNA: Trustees, any  
15 questions for the doctor?

16 MEMBER MARTIN: I did have one other  
17 question. Basically, for staff, I mean, counsel  
18 and I think all of the Trustees understand that no  
19 firefighter has a right to receive a disability for  
20 any period of time he is receiving salary.

21 Did staff verify that he no longer has a  
22 right to receive salary?

23 MR. WELLER: Let me confirm with Lori on  
24 that. Lori, are you on the line?

1 MS. LUND: Yes, I am on.

2 MR. WELLER: Did you hear Trustee  
3 Martin's question?

4 MS. LUND: Yes. He is no longer in  
5 receipt of salary as of, it is in your packet, the  
6 ADM date in the docket. That is the first day that  
7 he is unpaid by the City where we would pickup  
8 disability, if he is granted. So beginning 10-2 of  
9 2021 he is no longer in receipt of salary.

10 MEMBER MARTIN: Otherwise, he wouldn't be  
11 before us; is that correct?

12 MS. LUND: Correct. We require an end of  
13 employment form from the City of Chicago in order  
14 to even take an application for disability.

15 MEMBER MARTIN: That answers the question  
16 that was asked.

17 MEMBER MURPHY: I make a motion to grant.

18 MEMBER MARTIN: Second.

19 CHAIRMAN FORTUNA: There is a motion to  
20 grant by Trustee Murphy seconded by Trustee  
21 Martin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: I would like to make a

14 motion for reexam consistent with Board policy.

15 MEMBER SHERIDAN: Second.

16 CHAIRMAN FORTUNA: Motion for reexam by

17 Trustee Murphy seconded by Trustee Sheridan.

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 Martin

4 MEMBER MARTIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Counsel has previously  
10 sent around proposed Findings of Fact and  
11 Conclusions of Law. Having had a chance to review  
12 the Findings of Fact and Conclusions of Law in this  
13 matter, I would like to make a motion to adopt the  
14 Findings of Fact and Conclusions of Law in this  
15 matter.

16 MEMBER CONYEARS-ERVIN: Second.

17 CHAIRMAN FORTUNA: There's a motion by  
18 Trustee Murphy seconded by Trustee  
19 Conyears-Ervin.

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 Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 Based on the Findings of Fact and  
12 Conclusions of Law made by the Trustees, the  
13 Trustees have voted to grant you the benefit you  
14 have requested.

15 You will be notified by mail of the  
16 Findings of Fact and the Board's decision.

17 Good luck to you.

18 MR. SOLUDCZYK: Thank you all. I  
19 appreciate your diligence in protecting the Fund in  
20 general. Thank you all.

21 MEMBER MURPHY: Mr. President, the next  
22 applicant is Lone Williams, Firefighter, Engine 1.  
23 Vince.

24 MR. PINELLI: Thank you, Mr. Secretary.

1 Ms. Williams, are you on the line?

2 MS. WILLIAMS: Good morning.

3 MR. PINELLI: Good morning. Thank you.

4 Let the record reflect this is a hearing  
5 on the application for a Duty Disability Benefit  
6 being made by Firefighter EMT Ms. Williams.

7 Good morning, ma'am. As you have been  
8 told, or maybe heard, I am one of the attorneys for  
9 the Fund. I will be conducting this hearing for  
10 the record. I would like to advise you of some  
11 preliminary matters before we start the evidence.

12 First of all, there are currently seven  
13 trustees present to hear the evidence on your  
14 application. If you don't know you should know  
15 that the Pension Code requires that you get the yes  
16 vote of at least five of those seven trustees. Do  
17 you understand that?

18 MS. WILLIAMS: Yes, sir.

19 MR. PINELLI: I see from the records you  
20 do not have an attorney representing you. Is it  
21 your desire to proceed without an attorney?

22 MS. WILLIAMS: Yes.

23 MR. PINELLI: Lastly, it is the  
24 applicant's burden of proof to present sufficient

1 evidence to the Board in order for the Board to  
2 grant the benefit that the applicant is seeking.  
3 Do you understand it is your burden of proof?

4 MS. WILLIAMS: Yes.

5 MR. PINELLI: By way of procedures, I am  
6 going to start by asking you some questions under  
7 oath. The board members may or may not have  
8 questions of you. Then I will call the Fund's  
9 physician consultant Dr. Samo to testify. If there  
10 is anything I don't ask him that you think is  
11 important for the Board to know, please let me know  
12 and you will be given that opportunity. Do you  
13 understand the procedures?

14 MS. WILLIAMS: Yes.

15 MR. PINELLI: Thank you. Then would you  
16 please raise your right hand? Dr. Samo would you  
17 raise your right hand as well?

18 (Witnesses sworn.)

19 LONE WILLIAMS

20 a witness herein, having been first duly sworn, was  
21 examined and testified as follows:

22 EXAMINATION

23 BY MR. PINELLI:

24 Q Before we begin testimony, I just want to

1 ask you, Ms. Williams, about the Board Exhibits.

2 Did you receive a copy of Board Exhibits 1 through  
3 12 in advance of this hearing?

4 A Yes.

5 Q Did you have a chance to review them?

6 A I did.

7 Q Do you have any objection to their  
8 admission into the record in support of your  
9 application?

10 A I just have -- there was it looked like  
11 it was a typo on BD Ex. 4 in my layup summary. It  
12 says right ankle but that should actually be the  
13 left. I don't know if that matters or not.

14 Q I appreciate that. You're talking about  
15 Board Exhibit 4, the first entry on 10-14-16  
16 reflects a right ankle sprain and you're saying  
17 that should be a left ankle sprain; is that right?

18 A Yes.

19 Q Okay. Thank you. Subject to that  
20 clarification, do you have any objection to these  
21 documents going in?

22 A No.

23 MR. PINELLI: Thank you.

24 Mr. President, I move for admission of

1 Board Exhibits 1 through 12, along with the  
2 clarification made by Ms. Williams, without her  
3 objection.

4 CHAIRMAN FORTUNA: Admitted without  
5 objection.

6 MR. PINELLI: Thank you.

7 (Board Exhibits 1 through 12 were  
8 received into evidence.)

9 BY MR. PINELLI:

10 Q Let me direct your attention to November  
11 12th of 2020 and ask you if you were engaged in  
12 your duties with the Fire Department on that date  
13 when you sustained an injury or injuries that are  
14 the basis of your application?

15 A Yes.

16 Q Understanding that the Board does have  
17 your written statement, could you just briefly  
18 describe for the members where you were and what  
19 happened to you on that date?

20 A Yes. We had a high-rise fire at Jewelers  
21 Row. I believe it was the 10th floor. I was  
22 assisting with the line. I was about 200 feet in.  
23 My captain told me to go get another line because  
24 we needed more line.

1           So I went to go. As I was going to get  
2           it and I get to like the entrance of the doorway,  
3           someone accidentally -- it was a lot of people in  
4           there. Someone accidentally knocked my mask off  
5           and I suffered some smoke inhalation. I ran out of  
6           the air and I fell down two flights of stairs.

7           I was rushed to the emergency room with  
8           elevated carbon monoxide levels. They had me on  
9           oxygen. I had x-rays at the emergency room and had  
10          some followup visits. I ended up having surgery, a  
11          microdiscectomy, in February of this year, and then  
12          I just recently a few weeks ago had a SI joint  
13          fusion on November 11th.

14          Q     Okay. Thank you. Let me just start with  
15          the smoke inhalation and that treatment and  
16          symptoms, has that resolved?

17          A     Yes. I had suffered also migraines but  
18          that resolved within a few months.

19          Q     Let's talk about your lower back injury.  
20          Prior to this date, November 12th of '20, had you  
21          ever had any back injuries?

22          A     Yes.

23          Q     Just briefly what was that or when was  
24          that?

1           A     Mostly like back pain. I had lifted  
2 something wrong. I don't remember the exact date  
3 but I have went to see doctors regarding back pain.  
4 I did have surgery regarding that left ankle sprain  
5 but I suffer from left side pain. My primary  
6 complaint was my left ankle but that was it.

7                     I have never been diagnosed until now  
8 regarding the SI joint but I guess you will get to  
9 that.

10           Q     So we understand so any prior lower back  
11 injury that you had was it duty related or from  
12 work?

13           A     Yes.

14           Q     It sounds like you may have had layups  
15 but you were able to return to work after  
16 conservative treatment; is that right?

17           A     Yes.

18           Q     Then with respect to this incident, after  
19 this incident, you mentioned you had the two  
20 surgeries. The first being the microdiscectomy.  
21 That was attempting to address the disc issues in  
22 your lower back; is that correct?

23           A     Yes.

24           Q     How did your rehabilitation go from that?

1 Are you still having any problems from the disc  
2 area?

3 A So, I don't feel the compression but I'm  
4 still having the pain in my leg. When I had the  
5 surgery, obviously, it takes time so I was giving  
6 it some time. I eventually started physical  
7 therapy. My low back pain seemed to get worse and  
8 I actually felt worse than I initially did and I  
9 stopped the physical therapy. And I asked the  
10 City, you know, the Medical, if I can get a second  
11 opinion and that's how I got diagnosed with the SI  
12 joint being an issue.

13 Q The continued pain and discomfort caused  
14 them to start looking at your SI joint as well?

15 A Yes.

16 Q And then you had a surgery on that as you  
17 mentioned, a fusion, on November 11th; is that  
18 correct?

19 A Yes.

20 Q That is so recent, are you doing any  
21 physical therapy yet or not?

22 A No. No, I am not, sir.

23 Q Are they projecting that you will at some  
24 point?



1           A     Yes. I go back to the doctor in a couple  
2 of weeks so I guess he will see my progress, see  
3 how I feel, and then he will let me know.

4           Q     Can you describe for the board members  
5 currently what your condition is with respect to  
6 pain limitations or affect on your activities of  
7 daily living?

8           A     Yes. So, I still have pain in my low  
9 back. I can't really tell if I am healing or not.  
10 Obviously, I just had surgery. I use a cane, a  
11 walker, if it is really bad. I do take some meds.  
12 I am on Tramadol. I have some muscle relaxers,  
13 stool softener. I do take some Ibuprofen. When I  
14 walk, I have that pain in like my low back and butt  
15 region, especially if I have to put pressure on the  
16 left leg. A lot of my pain is, you know, in my low  
17 back but I still have the leg pain. My left side.

18          Q     Since you went on layup, have you engaged  
19 in any activity by which you earn income?

20          A     No.

21          Q     Have you engaged in any sporting  
22 activities?

23          A     No.

24               MR. PINELLI: Thank you. That is all the

1 questions I have of the applicant.

2 CHAIRMAN FORTUNA: Any questions?

3 Hearing none, Vince.

4 MR. PINELLI: Thank you. I call Dr. Samo  
5 to testify.

6 (Witness previously sworn.)

7 DANIEL SAMO, M.D.

8 a witness herein, having been first duly sworn, was  
9 examined and testified as follows:

10 EXAMINATION

11 BY ATTY1:

12 Q Sir, please state your name.

13 A Daniel Samo.

14 Q You're a physician; is that correct?

15 A Yes.

16 Q Is a copy of your qualifications as a  
17 physician attached to the Board Exhibits?

18 A Yes.

19 Q Do you perform a function as a consultant  
20 to this Fund?

21 A Yes, I do.

22 Q In that capacity, do you review medical  
23 records, examine or interview apartments and report  
24 to the Board?

1           A     Yes.

2           Q     Did you follow that procedure with  
3     respect to this applicant?

4           A     Yes.

5           Q     Did you file a written report with the  
6     Board marked as Board Exhibit Number 2?

7           A     Yes.

8           Q     Doctor, when you interviewed the  
9     applicant was the information she provided to you  
10    consistent with what you saw in the medical records  
11    you reviewed?

12          A     Yes.

13          Q     Could you briefly describe or summarize  
14    for us the state of her current medical condition?

15          A     She has had chronic back pain at least  
16    back to 2018 for which she had had some injections  
17    in 2019 and intermittently was seeing her  
18    chiropractor but was apparently quite functional at  
19    the time until after the event where she had the  
20    smoke inhalation and then was being seen for that  
21    and about a month later was being seen for back  
22    pain which was worse and did not improve.

23                 Eventually she had the microdiscectomy to  
24    address a herniated disc, which really did not help

1 her very much. And then six weeks ago, she had a  
2 fusion of her sacroiliac joint. Which based on  
3 what she said today seems to have had little or no  
4 affect on her symptoms. So she continues to have  
5 significant problems with pain and dysfunction.

6 Q Would she be able to perform her duties  
7 with the Fire Department given those symptoms?

8 A No.

9 Q Was the event that she described that she  
10 experienced a mechanism sufficient to cause the  
11 injuries to her lower back and sacroiliac joint?

12 A Yes. I mean, I don't know if there was  
13 any injury to her sacroiliac join particularly but  
14 she fell and she became symptomatic. Her history  
15 is that she became symptomatic pretty immediately  
16 after the fall. She didn't have treatment for it  
17 for about a month but she was dealing with the  
18 smoke inhalation and all those issues in between.

19 MR. PINELLI: Thank you, doctor. That is  
20 all the questions I have of the doctor.

21 CHAIRMAN FORTUNA: Trustees, any  
22 questions for the doctor?

23 Hearing, no questions.

24 MEMBER MARTIN: Mr. President, I would

1 like to make a motion to grant.

2 MEMBER MURPHY: Second.

3 CHAIRMAN FORTUNA: There is a motion to  
4 grant by Trustee Martin seconded by Trustee Murphy.  
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 Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: I would like to make a  
21 motion for reexam consistent with the Board's  
22 policy.

23 MEMBER SHERIDAN: Second.

24 CHAIRMAN FORTUNA: There is a motion for

1 reexam by Trustee Murphy seconded by Trustee  
2 Sheridan.

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 Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: 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'd like to make a motion  
22 to adopt those Findings of Fact and Conclusions of  
23 Law in this matter.

24 MEMBER TEBBENS: Second.

1                   CHAIRMAN FORTUNA: Motion by Trustee  
2 Murphy seconded by Trustee Tebbens.

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 Martin

13                  MEMBER MARTIN: Yes.

14                  CHAIRMAN FORTUNA: Trustee Tebbens.

15                  MEMBER TEBBENS: Yes.

16                  CHAIRMAN FORTUNA: And I am a yes.

17                  Motion carries.

18                  Based on the Findings of Fact and  
19 Conclusions of Law made by the Trustees, the  
20 Trustees have voted to grant you the benefit you  
21 have requested.

22                  You will be notified by mail of the  
23 Findings of Fact and the Board's decision.

24                  Ms. Williams, thank you and good luck.

1 MS. WILLIAMS: Thank you so much,  
2 everybody. Have a happy holiday.

3 CHAIRMAN FORTUNA: You, too.

4 MEMBER MURPHY: Mr. President, I would  
5 like to make a motion to approve the Board  
6 Physician Reviews of Disability Recipients.

7 MEMBER MARTIN: Second.

8 CHAIRMAN FORTUNA: There's a motion by  
9 Trustee Murphy seconded by Trustee Martin.

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 Martin

18 MEMBER MARTIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Moving on to Item 7,  
24 Expenditures, Administrative Expenses for Board



1 Review and Approval. I would like to make a motion  
2 to approve the Administrative Expenses as  
3 presented.

4 MEMBER SONI: Second.

5 CHAIRMAN FORTUNA: There is a motion by  
6 Trustee Murphy seconded by Trustee Soni.

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 Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Moving on to Item 8, the  
21 Executive Director's Report. Mr. Weller, would you  
22 please take it away?

23 MR. WELLER: Welcome, everybody, this  
24 morning.

1 I want to say I have no Board approvals  
2 that are required in the Executive Director's  
3 Report so that is good. We can get through it  
4 pretty quick.

5 I do have some items that we put in  
6 BoardPaq for your review. One is that the December  
7 holiday letter that is going to be sent by  
8 Secretary Murphy, with the December summary. As  
9 normal that gets reviewed by the Board to see if  
10 there are any concerns or objections.

11 We usually do that by negative consent.  
12 If I don't hear from anyone, that will be  
13 acknowledged, and we will send it out once the  
14 summary is done, so that is good.

15 We also have a list, and I think it is  
16 something we hadn't done for a while, but I know  
17 now with EMWQ and especially the holiday season and  
18 a change on the board, the Trustees would like to  
19 see the monthly donations that are received. We  
20 are putting that in there as an item, just an  
21 educational item. We know that is an important  
22 piece to the firefighter community so we just want  
23 to make sure we are staying transparent.

24 We are ending the year. We have been

1 finalizing out our eight hours of fiduciary ethics  
2 training. I am happy to say that we have most  
3 everyone confirmed and we have got everyone else on  
4 a track to get that confirmation done so I believe  
5 we will have 100 percent compliance so no  
6 outstanding issues there.

7 We have started with Chairperson Soni on  
8 the Budget. Jackie and I and the internal teams  
9 have all met and have reviewed the needs that each  
10 of the particular functional units are seeing in  
11 2022. We have a good idea of where those numbers  
12 are going to be.

13 We met with the other executive directors  
14 at the systems. We know what the other systems  
15 have on deck. So, Jackie and I have got meetings  
16 scheduled the 27th with Co-chair Murphy and Chair  
17 person Soni the 27th of December for one on ones.  
18 Another meeting on the 11th for one on ones. And  
19 then I believe we will have everything ready for a  
20 formal Budget Committee that we have tentatively  
21 got scheduled on the 19th at nine a.m. That is  
22 where we are sitting right now. The timeline  
23 should be fine and I don't see any reason why we  
24 won't meet those tasks and have something for this

1 Board to approve at the January meeting.

2 We started our pre-audit meetings. We  
3 have had two so far. We are moving along in that  
4 direction. We started our actuarial meetings with  
5 Segal and got them lined out with a timetable of  
6 expectations and what we think needs to occur and  
7 the timeline that needs to happen.

8 Everyone who we have been commissioned to  
9 work with is aware of our timeline and at this  
10 point have acknowledged the timeline to meet them.

11 We do have a little bit of a change. We  
12 thought we were going have the retro from the  
13 police coming through in the December checks. It  
14 doesn't look like that is going to happen. It  
15 looks like the City is going to do that in January.

16 As soon as the City pays that, we will  
17 get those retros applied. The City has not paid  
18 them as of yet, so there is not much we can do in  
19 that regard.

20 The last thing I want to say, we have I  
21 know six months worth of meetings on the  
22 implementation of the Public Act 102091, which is  
23 the Occupational Disability provision.

24 We have had meetings with both

1 stakeholders, both the City and the Union. We have  
2 had extensive meetings internally and with our  
3 legal team. We have talked to some of the  
4 Trustees, the consensus of the staff and what I  
5 believe will be our application of this, which at  
6 this point in time I think is more just  
7 acknowledging to the Board how we anticipate  
8 implementing this.

9 We are going to take the most  
10 conservative approach, which is not to read  
11 anything into the legislation that is not there.  
12 Begin to apply the provisions that the Code allows  
13 us to vote on, what we do very well, is provide a  
14 hearing for our members. We can provide the  
15 finding of fact whether they are indeed  
16 occupationally disabled or not.

17 Once we make those determinations, there  
18 are several question marks that are going to follow  
19 that, that unfortunately this Board cannot  
20 anticipate or control. The IRS, how the City is  
21 going to handle the insurance, how the courts are  
22 going do QILDROS.

23 All of those are going to have to be  
24 sorted out after we begin to apply this particular

1 piece of legislation and there is really nothing  
2 that staff or the Board I think at this point in  
3 time can do to give clarity to any one of those  
4 three issues. Those are going to be issues that  
5 are going to have to be looked at from the  
6 stakeholders that control those issues.

7 We are a long way of saying I believe  
8 we're going to be ready to at least begin  
9 contemplating applications for those members who  
10 might find this attractive given their  
11 circumstances in January. That is where we stand  
12 and that is optimistic but I believe that is  
13 doable.

14 MEMBER MURPHY: Thank you, Mr. Weller.

15 MR. WELLER: Our next meeting is January  
16 26th. It is a little bit later. It is the fourth  
17 Wednesday of the month. If for whatever reason  
18 someone currently has some reason they can't be  
19 there, please let me know.

20 It is very difficult. As you know, we  
21 have to kind of navigate around City Council and  
22 people's schedules. We want to be accommodating,  
23 if we possibly can, so let me know.

24 MEMBER SONI: One question I have is that

1 I see that most of our meetings hit on the same day  
2 as City Council. I think that is difficult,  
3 especially for Trustee Valencia, because she's  
4 trying to juggle in between both. I know the 26th  
5 is a City Council date. Is there any reason it is  
6 not on the 19th?

7 MR. WELLER: We sit in between the  
8 Laborers and we sit in between Muni. What happens  
9 is Muni typically takes the Thursday. Laborers  
10 takes the Tuesday. And then the Police will move  
11 opportunistically -- like this week, the Police  
12 have Monday, the 20th.

13 So what happens is we are -- because we  
14 traditionally have Wednesday, we are defaulted to  
15 Wednesday because the other plans take Tuesday and  
16 Thursday. There are some opportunities for us to  
17 take a Friday.

18 MS. BURNS: I think Trustee Soni is  
19 asking why not the 19th of January?

20 MR. WELLER: The 19th of January we  
21 already had two Trustees that could not attend the  
22 19th meeting.

23 MS. BURNS: That is her answer.

24 MR. WELLER: I'm sorry. I over

1 complicated that.

2 MEMBER SONI: That's fine.

3 MR. WELLER: Sorry, Trustee Soni.

4 MEMBER SONI: I want to make sure that it  
5 makes it easier for everyone.

6 CHAIRMAN FORTUNA: Thank you.

7 MS. BURNS: The question is now that we  
8 are at the legal update portion of the meeting is  
9 it possible to entertain a motion to go into closed  
10 session?

11 MEMBER MURPHY: I would like to make a  
12 motion to go into Executive Session pursuant to  
13 Section 2(c)11.

14 MS. BURNS: To discuss pending and  
15 threatened litigation.

16 MEMBER MARTIN: Second.

17 CHAIRMAN FORTUNA: There is a motion by  
18 Trustee Murphy seconded by Trustee Martin.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Sheridan.

22 MEMBER SHERIDAN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.



1 CHAIRMAN FORTUNA: Trustee Martin.

2 MEMBER MARTIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 We are in Executive Session.

7 (Whereupon, the Board went into  
8 Executive Session off the record.

9 No action was taken in Executive  
10 Session.)

11 MEMBER MURPHY: Mr. President, based on  
12 the recommendation of counsel, I would like to make  
13 a motion to continue to hold the monthly annuity  
14 payment for Member 011094 until such time as  
15 counsel, working with Fund staff, is comfortable  
16 that the member's interests are being addressed in  
17 a manner consistent with the Pension Code and  
18 applicable law.

19 MEMBER MARTIN: I will second that  
20 motion.

21 CHAIRMAN FORTUNA: There is a motion by  
22 Trustee Murphy seconded by Trustee Martin.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.  
2 MEMBER SHERIDAN: Yes.  
3 CHAIRMAN FORTUNA: Trustee Martin  
4 MEMBER MARTIN: Yes.  
5 CHAIRMAN FORTUNA: Trustee Tebbens.  
6 MEMBER TEBBENS: Yes.  
7 CHAIRMAN FORTUNA: And I am a yes.  
8 Motion carries.  
9 MEMBER MURPHY: Moving on to Old  
10 Business/New Business.  
11 MEMBER MARTIN: Hearing none, I would  
12 like to make a motion to adjourn.  
13 MEMBER MURPHY: Second.  
14 CHAIRMAN FORTUNA: There is a motion to  
15 adjourn and a second.  
16 Trustee Murphy.  
17 MEMBER MURPHY: Yes.  
18 CHAIRMAN FORTUNA: Trustee Sheridan.  
19 MEMBER SHERIDAN: Yes.  
20 CHAIRMAN FORTUNA: Trustee Martin  
21 MEMBER MARTIN: Yes.  
22 CHAIRMAN FORTUNA: Trustee Tebbens.  
23 MEMBER TEBBENS: Yes.  
24 CHAIRMAN FORTUNA: And I am a yes.

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Thank you, everyone.

(WHICH WERE ALL THE PROCEEDINGS  
IN THE ABOVE-ENTITLED MEETING  
AT THIS DATE AND TIME.)



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