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APPEARANCES

BOARD MEMBERS:

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

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

JACLYN VLAHOS, Comptroller

1 MEMBER SONI: I hereby convene this
2 Budget Committee meeting for January 19, 2022.

3 Kelly, can you kindly call the roll?

4 MR. WELLER: Chairperson Soni is present.
5 Secretary Murphy.

6 MEMBER MURPHY: Here.

7 MR. WELLER: Trustee Sheridan.

8 MEMBER SHERIDAN: Here.

9 MR. WELLER: Trustee Martin.

10 MEMBER MARTIN: Here.

11 MR. WELLER: Trustee Tebbens.

12 MEMBER TEBBENS: Here.

13 MR. WELLER: All members of the committee
14 are present, Madam Chairman.

15 MEMBER SONI: Thank you. We have a
16 quorum for today's meeting.

17 Public Act 101-0640 and the Governor's
18 recent Disaster Proclamation dated January 7, 2022
19 allows this meeting to be conducted by audio and
20 videoconference. The Act requires a roll call vote
21 on each matter acted upon.

22 We are proceeding by videoconference
23 because we continue to believe that due to the
24 pandemic it is prudent not to be physically present

1 in the same space.

2 We have posted notice of this meeting in
3 accordance with the Open Meetings Act and the
4 meeting is being recorded. A transcript of the
5 proceedings will be prepared and ultimately, after
6 approval, will be available on the Fund's website.

7 Moving on now to public comment.

8 MR. WELLER: If there is public comment,
9 please press star six on your phone.

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

17 Kelly, do we have any public comment
18 today?

19 MR. WELLER: Madam Chairperson, I do not
20 see any public comment.

21 MEMBER SONI: Hearing none, we will move
22 on. I'd like to now turn things over to Executive
23 Director Kelly Weller to proceed through our
24 agenda.

1 MR. WELLER: I know we went through the
2 Budget with each of you individually. This morning
3 our procedure and process is to review this Budget
4 amongst the committee and to seek a recommendation
5 to the full Board to approve the Budget at the next
6 meeting on the 26th.

7 Our goal here is to review, ask
8 questions, and then prepare a recommendation for
9 approval for the Board on the 26th.

10 I have asked Jackie to gather some
11 information. Unfortunately, she has not been able
12 to get that back to me so I am going to slow walk
13 this a second here and give everyone the preamble.
14 In that, we approached this year's Budget with the
15 expectation of keeping the overall year-over-year
16 expenses between what I think is the broader what I
17 would call inflationary pressures of what we are
18 seeing outside of this building and outside of this
19 office somewhere under 7 percent. I asked Jackie
20 to keep the budget items somewhere between 4 and 6
21 percent. She has done a great job. Our original
22 Budget came in around 5.1. Some Trustees brought
23 us some additional items they wanted us to include
24 in the Budget and commit to. With that, we have

1 put that in its final version. Right now we're at
2 about 5.6.

3 So Yeoman's job given the broader
4 economic circumstances keeping this Budget under
5 what I think is more broad based inflation.

6 So jumping in right off the bat here I
7 have got office salaries. We are going to move
8 past that item pretty quick because I want to do
9 that under executive session because we have some
10 specific things regarding salaries that we want to
11 talk about there.

12 Moving next to line item Employee
13 Benefits. You are seeing a 9.4 percent increase,
14 that is really not the true accurate increase.
15 What we looked at I think is a better expectation
16 is to look at the estimated expenditures for 2021
17 at 383 and then looking at our budget of 389. I
18 think that is more in line with the 4 percent that
19 was approved at I believe it was the November
20 meeting to move forward with our health insurance
21 increase.

22 A very nominal increase as far as I am
23 concerned but a small marginal increase in health
24 insurance. I think it is well within what we

1 talked about.

2 Moving down to Legal. We can see we are
3 under budget in Legal. We don't anticipate those
4 expenses moving outside of this range so we
5 continued with the estimated figure on the Budget.

6 Leasehold. This is the last year on
7 our lease abatement so we're moving forward with
8 rent as we have it at \$252,200.

9 Jackie is now on. I am going to turn
10 this over to Jackie right now.

11 I am at Leasehold Improvement. I am
12 going to bring this adjusted piece up.

13 I do apologize to the committee. We had
14 a small correction that needed to be made this
15 morning that was brought forward and we prefer to
16 have the most accurate version in front of you as
17 we move forward.

18 I am going to go ahead and make this
19 switch and turn this over to Jackie. I am at
20 Leasehold Improvements, Jackie, if you want to
21 start from there.

22 MS. VLAHOS: Are you going through each
23 individual line?

24 MR. WELLER: I am just dropping down

1 quickly and seeing if there is any questions on
2 anything. I think there is only a couple places
3 where there is going to be questions but I prefer
4 us to walk through this page one Budget.

5 MEMBER MARTIN: Go ahead and go through
6 it, I think that is probably the right thing to do.
7 I was just wondering if any trustees had any
8 comments because I think most of us -- I think
9 Kelly pretty accurately reflected -- I think he did
10 a very thorough job of going through this I think
11 with each one of us individually.

12 I am very positive on the changes. I am
13 very positive on the Budget. I had a chance to
14 review it pretty thoroughly and I was kind of
15 curious what other trustees felt if they haven't
16 had the opportunity to go through it as thoroughly.

17 MS. BOECKMAN: Trustee Martin, maybe, if
18 it is okay, just for purposes of the record, before
19 the committee, Jackie could continue what Kelly was
20 doing and quickly run through the remainder of it.

21 I don't think there is much left and then
22 we can get comments from the committee, if that is
23 okay, just to establish the record for the
24 committee.

1 MEMBER MARTIN: I think that is where I
2 was going. I have no objection.

3 MS. VLAHOS: Do you just want me to hit
4 the highlights then?

5 MR. WELLER: Yes, just hit the
6 highlights.

7 MS. VLAHOS: The highlights I would
8 probably hit the major changes and then see if
9 anyone else has questions. Otherwise, it is kind
10 of the same from the previous years. There is
11 nothing really to comment on, unless they want to
12 know what is in the accounts, I can do that.

13 From Leasehold, like Kelly was saying,
14 basically, there is a couple of things in our
15 lease. In the next year, we do have one month of
16 abatement left. This savings is offset a little
17 bit by -- I was actually talking with Trustee
18 Tebbens, they are fighting it, but our portion of
19 the taxes for the building, they are estimating to
20 go up from about \$200 a month to about \$1,000.

21 We just found out about this in January.
22 It is reflected in our budget, though. Even though
23 they are contesting this, that is the increase that
24 we are seeing as of right now. But this increase

1 in expense is offset by a savings of one month of
2 abatement for 2022.

3 For Consulting, it looks like for 2021
4 that we were over budget and this is just basically
5 due to the fact that when our previous Executive
6 Director had left, that basically we had contracted
7 with Burke Burns and Pinelli to do the interim
8 Executive Director position from I believe February
9 to June and this is just where that expense is
10 reflected in there, that we couldn't have budgeted
11 for previously because we didn't know that this was
12 going to happen.

13 For Actuary for 2021, we are under budget
14 and it's just because that we had basically
15 projected to have more service purchase
16 calculations and we also thought there would be
17 more impact statements that didn't occur for 2021.

18 And then we also have kind of a catchall,
19 kind of like in 2020, for basically computer
20 equipment, computer maintenance, printing, printing
21 education. A lot of these accounts basically are
22 under budget and this is just due to the fact that
23 with Covid and with a lot of the restrictions on
24 Illinois, as well as our country, a lot of things

1 weren't open or able for us to do. For example,
2 like traveling and continuing education.

3 We have in our 2022 Budget reflected the
4 fact that we are anticipating this current year to
5 be more reflective of the pre-Covid conditions.

6 I am going to hit the highlights very
7 quickly from the 2021 to 2022 Budget.

8 The first change is going to be salaries.
9 We are going to talk about that in more detail and
10 most likely probably in executive session. You can
11 see there is an increase of \$53,600, which is
12 approximately 3.4 percent.

13 We're going to speak about that a little
14 bit in the future so we're going to skip over that.

15 Employee Benefits Budget from 2021 to
16 2022. There is an increase here and this was
17 basically just due to the fact that there was life
18 event changes that are not foreseeable where people
19 had some changes in their coverage in 2021 in our
20 office.

21 I think the more reflective thing to see
22 where that expense is at is to see from the 2021
23 actual expense, which is \$383,500. We are actually
24 budgeting for employee benefits to be \$389,000.

1 Basically, that is an increase of approximately
2 \$5,000. If you look at it in that regards, our
3 expense for employee benefits are relatively flat.

4 The Consulting budget from 2021 to 2022
5 is increasing quit largely by 137 percent, which is
6 \$44,000.

7 I am going to let Kelly talk about that
8 in more detail but this is kind of encompassing our
9 future goals for IT and computer safety.

10 Do you want to talk a little bit about
11 that, Kelly?

12 MR. WELLER: Sure. Thanks, Jackie. I
13 will keep this quick.

14 As many of you know, we have got some
15 initiatives on the horizon. One of them is to
16 implement a one, three and five year strategic IT
17 plan.

18 Part of that is looking at essentially
19 the end goal being a benefits administration
20 upgrade and a member portal that integrates with
21 that benefit administration software.

22 In order to do that, we are going to have
23 to have a series of internal, what I would call,
24 foundation building blocks that need to be put in

1 place and we have made a nice kind of thought
2 around what those building blocks need to be. But
3 what we are going to do this year is bring in a
4 consultant to help us identify what those specific
5 steps should be and help us identify RFPs that need
6 to be written and issued for upgrades in our
7 system. Whether that be through SQL, whether that
8 be through website development. There is many,
9 many things. DocuSign. The goal being an
10 application to administration link between all of
11 the IT components so that we have one essentially
12 holistic system operating. Right now we have two
13 or three different pieces that are all kind of
14 bolted together. This is the first step of that.

15 The original, as you can look over there,
16 \$32,000 is the original amount that was in there,
17 that was essentially our lobbyist and our payroll
18 software consultant who helps us. I think the
19 payroll software and the administration payroll
20 side is up to speed. This additional 44 is for
21 what I would call SQL work, cloud work, strategic
22 operational planning and website work, that we want
23 to get started in 2022.

24 It is not a large amount in the real

1 world of IT but it is an important strategic step
2 for us. I have talked to each of you individually
3 about this so I think that is about enough, unless
4 there is specific questions.

5 Okay, Jackie.

6 MS. VLAHOS: We will move on then from
7 the Consulting and then we are going to go on with
8 the Auditing budget. Basically, we do a Department
9 of Insurance audit, that happens every other year.
10 In 2021, we performed the Department of Insurance
11 audit. Therefore, in 2022, we don't have to do
12 that this year and therefore you see a savings in
13 that line item.

14 Printing and Postage, it is kind of a
15 combination together. We are going to see in 2022
16 we're going to be producing the Popular Report. We
17 also are going to have some increase of the
18 newsletters.

19 What I do want to point out, if you see
20 in the 2021 Budget, where you see the \$33,000 is
21 for printing and the \$39,800 for postage.
22 Basically that number reflects the things that are
23 required by statute.

24 And then if you look on to the 2022

1 Budget, you can see the increase. This is just
2 basically for communications and stuff that we feel
3 are important for our membership.

4 I think with the newsletter, the Popular
5 Report, those kind of things are going to increase.
6 Later on we can discuss distribution of that, those
7 kind of things, but that you will see reflected in
8 those two.

9 The next is Training and Education.
10 Training and Education, what you can see here is we
11 try to look at what the pre-Covid numbers looked
12 like. So when you look at the five year, you can
13 see we took basically a look at what the travel
14 looked like and this number reflects what it would
15 appear to look like before the travel restrictions
16 occurred.

17 We do have a one year where it seems
18 quite a bit high. I know I talked to some Trustees
19 about that in 2019 at \$62,000. That was just due
20 to the fact that we had an increase amount in
21 preretirement seminars. Through discussions with
22 other Trustees, they felt comfortable that one
23 preretirement seminar would be good. So that is
24 where we come up with the \$38,000, which is more

1 reflective of what we did in the 2018 year.

2 The last thing I want to point out is for
3 Election budget. This is increased and the
4 increase is basically just due to as of right now
5 we have two elections that are going to occur in
6 2022. In 2021, we only had one election at that
7 time. So there is going to be an increase there.

8 Surprisingly, I reached out to them, you
9 would think that this amount would double, but when
10 I reached out to the auditing firm that does this
11 service for us, they gave us a quote and
12 surprisingly it is only a little bit extra. We
13 will accept any savings where we can get it.

14 Are there any questions?

15 MR. WELLER: Jackie, one thing I want you
16 to hit on at the bottom is the Investment
17 Evaluation. Why it is set down below and just a
18 quick comment on that.

19 MS. VLAHOS: Investment Evaluation we
20 kind of kicked around back and forth. We wanted to
21 make sure everything is disclosed properly.

22 Investment Evaluation was included in the
23 operating budget portion before. We had
24 discussions of whether that is part of the

1 operating, whether it is not.

2 Just to make everybody aware, and I think
3 to put it on here, and I guess this is a discussion
4 we can have further, if it is appropriate or not to
5 be included, but it is a \$310,000. That is
6 basically for Callan for their contracted service
7 as well as for the Bloomberg quarterly fee makes up
8 that \$310,000.

9 There is no increase that we are
10 anticipating for the 2022 year. And, honestly,
11 with including this investment expense, if we did
12 decide to that, it is kind of nice because it does
13 bring our actual overall budget increase to 5.14
14 instead of 5.6.

15 It's up to you if you want to see it
16 included or not. I wanted to put it out there that
17 we are still going to be paying that quarterly
18 Bloomberg. I believe it is like \$6,750 a quarter
19 as well as our contract with Callan.

20 MEMBER MARTIN: Quick question, Jackie.
21 Is that Bloomberg subscription accessible by
22 trustees or is that just by our CIO and staff?

23 MS. VLAHOS: That is a Lorna question.

24 MR. WELLER: Trustee Martin, I will get

1 back to you on that.

2 MEMBER MARTIN: Thank you.

3 MR. WELLER: With that, Chairperson Soni,
4 that I think concludes essentially the open portion
5 of this.

6 I'd ask that maybe you see if there is
7 any questions for us. If not, maybe we could look
8 to go into executive session for the salary
9 component.

10 MEMBER SONI: Are there any questions
11 regarding the non-personnel portion of the Budget?

12 Hearing none.

13 Thank you, Kelly and Jackie.

14 I would like to now make a motion to go
15 into executive session pursuant to Section 2(c)1 to
16 discuss compensation of specific employees.

17 Is there a second?

18 MEMBER TEBBENS: I will second it.

19 MEMBER SONI: Seconded by Trustee
20 Tebbens.

21 Kelly, please call the roll call vote.

22 MR. WELLER: Trustee Soni.

23 MEMBER SONI: Yes.

24 MR. WELLER: Trustee Martin.

1 MEMBER MARTIN: Yes.

2 MR. WELLER: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 MR. WELLER: Secretary Murphy.

5 MEMBER MURPHY: Yes.

6 MR. WELLER: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 MR. WELLER: Vote passes.

9 (Whereupon, the Board went into
10 Executive Session off the record.
11 No action was taken in Executive
12 Session.)

13 MEMBER SONI: We are now out of the
14 Executive Session.

15 Are there any final comments from the
16 committee regarding the Budget?

17 I'd like to thank Kelly and Jackie again
18 for presenting the 2022 Operating Budget.

19 Do any trustees have any other comments?
20 If not, I'd like to ask for a motion to approve the
21 recommendation of the 2022 Operating Budget to the
22 full Board, including a 3 percent increase for both
23 Kelly Weller, Executive Director, and Lorna Scott,
24 our Chief Investment Officer.

1 MEMBER MURPHY: I would like to make a
2 motion.

3 MEMBER MARTIN: Second.

4 MEMBER SONI: Motion was made by Trustee
5 Murphy. Seconded by Martin. Roll call vote,
6 please.

7 MR. WELLER: Trustee Soni.

8 MEMBER SONI: Yes.

9 MR. WELLER: Secretary Murphy.

10 MEMBER MURPHY: Yes.

11 MR. WELLER: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 MR. WELLER: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 MR. WELLER: Trustee Martin.

16 MEMBER MARTIN: Yes.

17 MR. WELLER: Unanimous.

18 MEMBER SONI: The vote is approved. We
19 will be making the recommendation to the full Board
20 in our next meeting.

21 Thank you all again for your time on
22 this.

23 I am going to old business and new
24 business. Is there any old business to discuss or

1 any new business?

2 Hearing none, is there a motion to
3 adjourn today's meeting?

4 MEMBER MURPHY: Motion to adjourn.

5 MEMBER SONI: Motion to adjourn made by
6 Trustee Murphy.

7 Is there a second?

8 MEMBER TEBBENS: I will second it.

9 MEMBER SONI: Seconded by Trustee
10 Tebbens. All in favor?

11 (Chorus of ayes.)

12 MEMBER SONI: The Budget Committee
13 meeting is adjourned.

14 Thank you all for your time today.

15

16 (WHICH WERE ALL THE PROCEEDINGS

17 IN THE ABOVE-ENTITLED MEETING

18 AT THIS DATE AND TIME.)

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

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

Debbie Tyrrell

DEBBIE TYRRELL, CSR
License No. 084-001078

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

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

1 CHAIRMAN FORTUNA: I hereby convene this
2 Board of Trustees meeting for January 26, 2022.

3 Please, call the roll.

4 MS. BURNS: Trustee Tebbens.

5 MEMBER TEBBENS: Here.

6 MS. BURNS: Trustee Sheridan.

7 MEMBER SHERIDAN: Here.

8 MS. BURNS: Trustee Murphy.

9 MEMBER MURPHY: Here.

10 MS. BURNS: Trustee Martin.

11 MEMBER MARTIN: Here.

12 MS. FORTUNA: President Fortuna.

13 CHAIRMAN FORTUNA: Here.

14 MS. BURNS: Trustee Valencia.

15 MEMBER VALENCIA: Here.

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

17 CHAIRMAN FORTUNA: Public Act 101-0640

18 allows this meeting to be conducted by audio and

19 video conference. The Act requires a roll call

20 vote on each matter acted upon.

21 Further consistent with Public Act

22 101-0640, I am physically present at the Fund as is

23 the Board Secretary, several Trustees, and the

24 Executive Director. We have posted a notice of

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

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

13 Are there any requests for public comment
14 today?

15 MR. WELLER: For anyone wishing to make
16 public comment, please hit star six to unmute.

17 MR. QUANE: This is Pat Quane. I would
18 like to address the Board.

19 CHAIRMAN FORTUNA: Mr. Quane, please do.

20 MR. QUANE: A number of months ago I
21 addressed this Board about a Pension Board Trustee
22 that was putting out his own newsletters. Since
23 that time, this Pension Board Trustee is now a
24 former Board Trustee.

1 My concern in the recent newsletter that
2 he released via Facebook it also contains audio
3 recordings from what appears to be an Executive
4 Session.

5 My concern is did this member obtain
6 those records through the proper channels or this
7 member may have recorded this meeting himself or
8 taken it in some form.

9 My concern is obviously we had attorneys
10 in the room. They are being advised if any
11 attorney/client privilege was breached during that
12 time.

13 Thank you for the consideration there and
14 I trust you guys will protect us. Thank you.

15 CHAIRMAN FORTUNA: Thank you, very much
16 for your comments.

17 Anyone else?

18 MR. WELLER: Anyone else for public
19 comment?

20 Mr. President, there is no other public
21 comment.

22 CHAIRMAN FORTUNA: Before we get into
23 today's business, I would like to ask for a moment
24 of silence to honor our active member MaShawn

1 Plummer.

2 On behalf of the Fund, we would like to
3 express our gratitude for Firefighter Plummer.
4 Also, we want to convey our condolences to his
5 family. We will never forget his contribution nor
6 his sacrifice.

7 (Brief moment of silence.)

8 CHAIRMAN FORTUNA: Thank you.

9 The first matter this morning will be
10 committee assignments. A list of the chairs and
11 the members have been handed out to the Trustees
12 and staff.

13 If there is any objection to your
14 assignment, please get a hold of me sometime this
15 week and we can make some adjustments.

16 I am going to turn things over to
17 Secretary Murphy.

18 MEMBER MURPHY: Thank you, Mr. President.

19 First of all, I would like to turn to the
20 Approval of Administrative Items. A, Approval of
21 the Minutes of the audio meeting of the December
22 13, 2021 Investment Committee, December 15, 2021
23 board and the January 19, 2022 Budget Committee
24 meeting, open and closed minutes and the regular

1 audio meeting transcript for December 13, 2021 and
2 December 15, 2021.

3 I'd like to make a motion to approve the
4 open and closed minutes of the December 13, 2021 as
5 well as January 19, 2022 and the audio transcripts
6 for the December and the December 15, 2021 meetings
7 and keep those closed session minutes for all the
8 regular meetings closed.

9 MEMBER MARTIN: Second.

10 CHAIRMAN FORTUNA: There is a motion by
11 Trustee Murphy. Seconded by Trustee Martin.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee Martin

17 MEMBER MARTIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Moving on to B, Minimum

1 Formula Annuities, I would like to make a motion to
2 approve Minimum Formula Annuities starting with
3 Member 15681 and ending with Member 14524.

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 Martin

12 MEMBER MARTIN: 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 Survivor
20 Annuities and Widow's Annuities. I would like to
21 make a motion to approve Widow's Annuities starting
22 with Member 8369 through Member 10129.

23 MEMBER VALENCIA: 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 Sheridan.

5 MEMBER SHERIDAN: 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 MEMBER MURPHY: Under D, I would like to
15 make a motion to approve the Refund for Member
16 14229.

17 MEMBER MARTIN: Second.

18 CHAIRMAN FORTUNA: There's a motion by
19 Trustee Murphy. Seconded by Trustee Martin.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee Martin

1 MEMBER MARTIN: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: Trustee Valencia.

5 MEMBER VALENCIA: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 MEMBER MURPHY: Next on the agenda, Item
9 E, Death Benefits. I would like to make a motion
10 to approve starting with Member 08369 through
11 Member 10129.

12 MEMBER TEBBENS: Second.

13 CHAIRMAN FORTUNA: There is a motion by
14 Trustee Murphy. Seconded by Tebbens.

15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Sheridan.

18 MEMBER SHERIDAN: Yes.

19 CHAIRMAN FORTUNA: Trustee Martin

20 MEMBER MARTIN: 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 F, I'd like
4 to make a motion to approve Partial Payments
5 beginning with Member 08369 and continuing through
6 to Member 07253.

7 MEMBER SHERIDAN: Second.

8 CHAIRMAN FORTUNA: There is a motion by
9 Trustee 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 Martin

15 MEMBER MARTIN: 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: Under G, Benefit
23 Recalculations, there are none this month.

24 Moving on to H, Guardianship, there is

1 one this month for Member 06669. I'd like to make
2 a motion to grant the guardianship to the son of
3 this member, based on staff's confirmation that all
4 paperwork required by the Fund has been received.

5 MEMBER VALENCIA: Second.

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

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: Trustee Valencia.

17 MEMBER VALENCIA: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Under Reside Out of
21 State, there are two requests for members for
22 approval to reside out of state. I would like to
23 make a motion to grant the request to reside out of
24 state for Member 15650 and Member 14994.

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 Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee Martin

9 MEMBER MARTIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Under I, Removals. I
17 would like to make a motion to approve the Removals
18 starting with William Blake and ending with Joseph
19 Sheridan.

20 MEMBER TEBBENS: Second.

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

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: 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: Moving on to Requests for
13 Approval of Payments Pursuant to Administrative and
14 Court Orders. I would like to make a motion to
15 approve the QILDRO order listed in the docket for
16 Member 011684, based on the staff's confirmation
17 that all paperwork required by the Fund to process
18 said orders have been received.

19 MEMBER SHERIDAN: Second.

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

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: 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
11 consideration for approval of disability
12 applications.

13 MS. BURNS: Vince, are you ready to
14 proceed?

15 MR. PINELLI: I am ready.

16 There was a request made. The attorney
17 is the same attorney for both applicants, Ms.
18 Sigler and Mr. Hesslau. I believe they are all on
19 the line. He's made the request if we could begin
20 with Ms. Sigler's matter first, if the Board has no
21 objection to that. Just reverse the order. Those
22 are the only two hearings.

23 MS. BURNS: Secretary Murphy, do you mind
24 if we start with the Sigler matter to accommodate

1 counsel?

2 MEMBER MURPHY: No objection.

3 MS. BURNS: Vince, with that we'll start
4 with Firefighter Denise Sigler.

5 MR. PINELLI: Let the record reflect this
6 is an application for a Duty Disability Benefit
7 being made by Denise Sigler who is present. She's
8 represented by counsel.

9 Counsel, could you please identify
10 yourself for the record?

11 MR. MARCONI: Jerry Marconi on behalf of
12 the applicant Denise Sigler.

13 MR. PINELLI: Thank you. Before we
14 proceed with evidence, I'd like to make sure we get
15 the Board Exhibits entered.

16 Counsel, you should have been provided a
17 copy of Board Exhibits 1 through 11, which were
18 distributed by staff to Ms. Sigler. Did you
19 receive a copy of those?

20 MR. MARCONI: I did and I believe that
21 Ms. Sigler also received those and has reviewed
22 those.

23 MR. PINELLI: Do you have any objection
24 to their admission into the record?

1 MR. MARCONI: None.

2 MR. PINELLI: Thank you.

3 Mr. Chairman, I move for admission of
4 Board Exhibits 1 through 11, without objection from
5 the applicant.

6 CHAIRMAN FORTUNA: Admitted without
7 objection.

8 (Board Exhibits 1 through 11 were
9 admitted into evidence.)

10 MR. PINELLI: Thank you.

11 Counsel, we are ready to proceed. Do you
12 have any witnesses that you wish to call?

13 MR. MARCONI: Denise Sigler.

14 MR. PINELLI: All right. Then I would
15 ask Ms. Sigler, and also Dr. Peters, he's going to
16 testify, would you both please raise your right
17 hands?

18 (Witnesses sworn.)

19 MR. PINELLI: Counsel, we are ready to
20 proceed, if you wish to call Ms. Sigler.

21 MR. MARCONI: Thank you.

22 DENISE SIGLER

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

EXAMINATION

BY MR. MARCONI:

1
2
3 Q Can you state your name and spell your
4 name?

5 A Denise Sigler. D-e-n-i-s-e S-i-g-l-e-r.

6 Q Are you currently employed with the
7 Chicago Fire Department?

8 A I am.

9 Q And your application indicates I believe
10 that you began on July 17, 2000, is that correct?

11 A Correct.

12 Q And what was your last assignment before
13 going on layup?

14 A Engine 79.

15 Q It looks like you submitted an
16 application along with an affidavit, is that
17 correct?

18 A Correct.

19 Q And have you reviewed that affidavit
20 before testifying today?

21 A I have.

22 Q Is that true and accurate and pretty much
23 describes all the symptoms you started experiencing
24 before you went on layup?

1 A Yes.

2 Q Now as far as the records are concerned,
3 did you read Dr. Peters' report and did you read
4 through all of these exhibits?

5 A I did.

6 Q On page -- it looks like 10.29, there was
7 an indication in there, and I think the facts on
8 that page got transferred over to Dr. Peters'
9 report, it indicates that you tested positive I
10 believe back on September 1, 2020.

11 A That is correct.

12 Q Did you see that in the records?

13 A Yes, I do.

14 Q Is that accurate?

15 A No, it is not.

16 Q And back on September 1, 2020, did you in
17 fact receive notification that you tested negative
18 for Covid?

19 A Yes.

20 Q I'm sorry, I didn't mean to interrupt
21 you.

22 A That is the day I testified negative on
23 September 1, 2020.

24 Q Why did you go and get a test?

1 A My daughter tested positive so I was
2 exposed and it was required by the Fire Department
3 to have a negative test to come back to work.

4 Q Were you experiencing any symptoms?

5 A I was experiencing no symptoms at the
6 time.

7 Q And, again, the test that you took, which
8 was mandated by the Chicago Fire Department,
9 indicated that you were negative for Covid back in
10 September, is that correct?

11 A Correct.

12 Q Is it your understanding that in this
13 particular case the City or the Fire Department
14 classified this as a duty related exposure, is that
15 correct? I'm sorry, moving into December of 2020,
16 did the Department classify it as a duty exposure?

17 A Yes.

18 Q And there is some documents in the
19 records. I believe there is a spreadsheet. I
20 don't know if you were working on an ambulance or
21 handling ambulance calls but you had been exposed I
22 think on November 30th and a couple times just
23 prior to November 30th, is that correct?

24 A Correct.

1 Q Now before being exposed, how would you
2 describe your health?

3 A I was in very good health. No problems
4 at all.

5 Q And other than the very heavy work as a
6 Firefighter Paramedic, were you involved in any
7 outside activities which required you to be in good
8 health?

9 A I am a yoga instructor. I used to teach
10 yoga to the candidates at the Academy and avid
11 without.

12 Q You worked out on a regular basis?

13 A Correct.

14 Q Before you got Covid, you were in very
15 good shape, is that correct?

16 A That is correct.

17 Q Now I can tell from talking to you today,
18 it seems like you have a cough and you have some
19 hoarseness in your voice. Is this an everyday
20 occurrence?

21 A Yes, it is.

22 Q I know that the exhibits contain your
23 treatment. Just briefly, since you tested
24 positive, have you constantly been in treatment up

1 until today?

2 A Yes, I have.

3 Q Primarily who are you treating with up
4 until today?

5 A I was seeing a pulmonologist from Rush
6 Dr. Balk and an ENT specialist from Rush Dr.
7 Husain.

8 Q And we talked about your voice today. Is
9 it Dr. Inna Husain?

10 A Correct.

11 Q And she was trying to figure out why you
12 have the hoarseness, the difficulty talking, and
13 maybe the coughing, is that correct?

14 A Correct.

15 Q Were you also working with a
16 cardiologist?

17 A Yes, I was.

18 Q Why?

19 A For palpitations I was having.

20 Q Had you ever had palpitations prior to
21 Covid?

22 A No.

23 Q Okay. There was some heart issues I
24 think that were back prior to this but those

1 resolved, is that correct?

2 A That is correct.

3 Q Are you classified as a Covid long
4 hauler?

5 A Yes.

6 Q Now at some point was there a
7 determination made by your team locally here to
8 refer you to the Mayo Clinic in Minnesota?

9 A Yes. Dr. Husain, the ENT, has referred
10 me to the Mayo Clinic. She actually called and had
11 them setup Mayo Clinic to call me and contact me.

12 Q What is your understanding about your
13 treatment or the proposed treatment at Mayo Clinic?
14 Who are you treating with and is it part of a
15 program?

16 A There is a Dr. Greg Vanichkachorn, who is
17 doing a long hauler treatment there, and it is a
18 multidisciplinary kind of case-by-case by the
19 symptoms that you present with.

20 Q It is your understanding that Dr.
21 Vanichkachorn would kind of be the lead and then he
22 would refer you to other specialists within Mayo to
23 treat these other issues?

24 A Correct.

1 Q And have you started your treatment at
2 Mayo Clinic yet?

3 A I have not because there is an insurance
4 issue now so I am -- I have been waiting for this
5 meeting today to get the insurance issues worked
6 out to figure out how I can attend there.

7 Q Okay. Not that's it's probably relative
8 to your disability, but just quickly right now
9 you're on your husband's insurance, is that
10 correct?

11 A Correct. And also under the --

12 Q Your husband is a firefighter, is that
13 correct?

14 A Correct. In Elk Grove Village.

15 Q Right now the treatment you have been
16 receiving was pursuant to your husband's insurance,
17 is that correct?

18 A It was -- once it became a duty injury,
19 it was under the Workmen's Comp.

20 Q So now there is the issue you have to
21 figure out who is going to pay for the treatment at
22 Mayo, is that correct?

23 A Correct.

24 Q Once that insurance issue is worked out,

1 which will hopefully be very soon, maybe in the
2 next week, then you will begin your treatment at
3 Mayo Clinic, is that correct?

4 A Correct.

5 Q Is it your desire to return to work as
6 quick as you can?

7 A Yes.

8 Q Are you on the lieutenant's list?

9 A I am on the lieutenant's list.

10 Q Is that one of your goals in your career
11 is to hopefully eventually be promoted when you get
12 back to work?

13 A Absolutely. This is not the way I wanted
14 to retire.

15 Q And are you still hopeful that Mayo
16 Clinic could provide the treatment necessary which
17 would allow you to resolve your symptoms and return
18 to work?

19 A I am very hopeful. I am hoping that this
20 doctor has information that can help me.

21 MR. MARCONI: Vince, I don't have
22 anything else.

23 CHAIRMAN FORTUNA: Trustees, any
24 questions?

1 Hearing none.

2 MR. PINELLI: Thank you.

3 EXAMINATION

4 BY MR. PINELLI:

5 Q Ms. Sigler, I just have a few questions
6 for you as well.

7 Just going back to the onset, from the
8 records it looks like you began experiencing the
9 symptoms on December 13th of 2020 and then you
10 tested positive the next day, is that right?

11 A That is correct.

12 Q So prior to the 13th, were you on shift
13 or what was your work --

14 A Yes.

15 Q -- experience prior to that? You were on
16 shift?

17 A I was on shift regularly before that. My
18 last day at the firehouse was the 12th and then I
19 began having symptoms on the 13th, which was a
20 Sunday, and I went the next day Monday to be
21 tested.

22 Q And do you know where your exposure was?
23 In other words, was it from a patient or was it
24 from at the firehouse, if you know?

1 A At the time there were nobody else at my
2 firehouse that was positive so it was from a
3 patient. We were having several a day positive
4 patients at that time.

5 Q You were treating them as part of your
6 duties, is that correct?

7 A Correct. I was the paramedic on the
8 engine.

9 Q With respect to your current condition
10 today, it looked from the records you're taking
11 certain medications to address your symptoms, is
12 that right?

13 A Correct. To help with the cough.

14 Q It indicated you're taking -- are you
15 using an inhaler regularly?

16 A I have not been using the inhaler as much
17 anymore because it wasn't really doing much anymore
18 once the pneumonia in my lungs cleared up but I
19 have been using the Gabapentin.

20 Q Are these symptoms that you are
21 experiencing causing you to experience fatigue and
22 tiredness and so forth?

23 A Yes, they are. Fatigue is very much at
24 the top of the list.

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

3 A No.

4 Q Have you engaged in any sporting
5 activities, including the yoga and whatnot?

6 A I have done mild yoga, which was
7 recommended by my doctors, for some movement.

8 Q But you do that on your own at home, I
9 take it?

10 A Correct. Videos. Right.

11 MR. PINELLI: Thank you. That is all the
12 questions I have.

13 THE WITNESS: Thank you.

14 CHAIRMAN FORTUNA: Any questions?

15 Thank you, Vince.

16 MR. PINELLI: Counsel, is it okay if I
17 call Dr. Peters to testify or do you wish to
18 present evidence at this time?

19 MR. MARCONI: We would rest. You can
20 call Dr. Peters.

21 MR. PINELLI: Thank you.

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 Doctor, state your name for the record.

5 A Michael I. Peters.

6 Q And you are a physician; is that correct?

7 A Yes.

8 Q A copy of your qualifications are
9 attached to the Board Exhibits?

10 A Yes.

11 Q And do you perform a function for this
12 fund as a consultant?

13 A Yes.

14 Q In that capacity, do you review medical
15 records, either examine or interview applicants and
16 prepare a written report for the Board?

17 A Yes, I do.

18 Q Did you follow that procedure with
19 respect to Ms. Sigler?

20 A Yes, I did.

21 Q And is a copy of your written report
22 marked as Board Exhibit Number 2?

23 A Yes.

24 Q Doctor, due to the current Covid

1 pandemic, did you interview the applicant rather
2 than examine her?

3 A Yes, I interviewed her by telephone.

4 Q Based upon your interview, was the
5 information that she provided to you about her
6 condition and her history consistent or
7 inconsistent with the medical records that you
8 examined?

9 A The history was consistent. The question
10 of her having Covid before the duty Covid, that
11 information of a positive test in September 1, 2020
12 came from her CFD Medical notes. It sounds like
13 she didn't really test positive according to her
14 report.

15 Q With respect to the December exposure and
16 subsequent treatment and whatnot, was she
17 consistent with what the record showed?

18 A Yes. Everything she reported was
19 consistent with the record.

20 Q Doctor, could you briefly summarize for
21 us what your findings were with respect to your
22 review of the records and interview of Ms. Sigler?

23 A Yes. Ms. Sigler had a documented duty
24 exposure for COVID-19 likely from a patient.

1 Developed acute infection but then developed
2 post-Covid and chronic cough, which has affected
3 her vocal cords, inability to speak.

4 There are two likely etiologies from
5 that. First is the chronic cough can cause muscle
6 tension around the vocal cords, which makes it hard
7 for her to speak.

8 The second is there has been documented
9 case reports of -- we know that COVID-19 acute
10 infection can affect nerves throughout the body.
11 There is growing evidence that the nerve involved
12 with the vocal cords moving properly can be vocally
13 infected by the Covid virus and cause long-term
14 problems.

15 So it's likely one or both of those
16 things are causing her persistent hoarseness and
17 cough and difficulty speaking.

18 Q And then there was some indication, too,
19 she has some respiratory issues. Is that breathing
20 issues or what did you see in the record with
21 respect to that?

22 A She has some evidence of interstitial
23 lung disease, which is the post-Covid lung damage.

24 Q Given what you just found and said, as

1 well as her testimony regarding her symptoms
2 causing her fatigue, as well as these other issues,
3 do you believe she could perform her duties as a
4 paramedic with the Fire Department?

5 A No, not safely.

6 Q Do you have any recommendations to the
7 Board as far as either reexamination or case
8 management?

9 A I think that it is too soon to tell
10 whether her vocal cord involvement will reverse.
11 If the cough goes away, then it's likely that she
12 will have improvement over time, but I think it is
13 too soon to make any prediction about whether that
14 is likely to happen. I think getting a specialty
15 evaluation by a Covid clinic is a good start. But
16 I don't think there is enough cases of this yet to
17 determine how long this will last. I think she
18 should be reexamined according to the usual
19 reexamination process which would be done for
20 somebody like her.

21 Q All right.

22 A I don't think there is an advantage to
23 doing it sooner is what I am trying to say.

24 MR. PINELLI: Thank you, doctor, that is

1 all the questions I have.

2 Counsel, do you have any questions of the
3 doctor?

4 MR. MARCONI: I just have a couple to
5 follow up with what Dr. Peters said regarding the
6 specialty evaluation.

7 EXAMINATION

8 BY DR. PETERS:

9 Q Dr. Peters, is there any anything in the
10 records to indicate why she was referred to Mayo or
11 is it just because Mayo has a good reputation for
12 working with long haulers?

13 A Why she was specifically referred to
14 Mayo?

15 Q Yes. I mean, I just don't know why she
16 couldn't be treated locally as opposed to sending
17 her to Minneapolis to be treated at the Mayo
18 Clinic.

19 A Again, this is all new, but I am seeing
20 two different patterns in terms of how people with
21 chronic Covid symptoms are treated. Either they
22 receive care through their local physician from
23 multiple subspecialty referrals, that is one common
24 pattern. The other is going to a dedicated Covid

1 clinic locally, and there are some, but I have also
2 seen people who are going to Mayo.

3 Q At Mayo, is that a clinic or is that just
4 a multidisciplinary approach treating these long
5 haul Covid patients?

6 A They call themselves a clinic. My
7 assumption, and I don't know this for a fact
8 because I haven't visited there, but my assumption
9 is that when the doctor coordinating the care at
10 the Covid Clinic in Mayo refers to other
11 specialists within Mayo, that they are going to
12 different offices.

13 Q Do you know this -- I can't even
14 pronounce his name. She said it was a Dr.
15 Vanichkachorn.

16 A I don't know him personally.

17 Q Does he seem to be the lead guy at Mayo
18 as far as referring them out to other specialists
19 within Mayo?

20 A I have seen him in that role. He appears
21 to be the person who coordinates care.

22 Q So you don't disagree with the referral
23 to Mayo I guess is what I am getting at?

24 A I don't have an opinion regarding whether

1 she should go to Mayo. I do think she should
2 continue to get some specialty care, if she's not
3 getting the answers or the care she needs. She
4 should definitely go to a place that sees lots of
5 cases like hers. Whether that be a local
6 specialist or a local Covid Clinic or Mayo. Mayo
7 has an excellent reputation. I wouldn't disagree
8 with it.

9 Q I think Northwestern, who you are
10 associated with, they also have a Covid Clinic I
11 think?

12 A Yes, they do.

13 MR. MARCONI: I don't have any other
14 questions for Dr. Peters.

15 MR. PINELLI: Okay. Do you rest then?

16 MR. MARCONI: I do.

17 CHAIRMAN FORTUNA: Any questions for Dr.
18 Peters?

19 No questions from the Trustees.

20 MR. PINELLI: Counsel rests so therefore
21 the evidence is concluded.

22 MEMBER MURPHY: I would like to make a
23 motion to grant the benefits requested by
24 Firefighter Sigler.

1 MEMBER MARTIN: Second.

2 CHAIRMAN FORTUNA: There's a motion to
3 grant by Trustee Murphy. Seconded by Trustee
4 Martin.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: I would like to make a
16 motion for reexam consistent with the Board's
17 policies.

18 MEMBER TEBBENS: Second.

19 MEMBER SONI: Excuse me. This is Trustee
20 Soni. Sorry about that. I had joined and I'd like
21 to vote yes as well.

22 CHAIRMAN FORTUNA: Trustee Soni is a yes.

23 There is a motion for reexam by Trustee
24 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 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: Counsel has previously
14 sent around proposed Findings of Fact and
15 Conclusions of Law. After having had a chance to
16 review the Findings of Fact and the Conclusions of
17 Law, I would like to make a motion to adopt the
18 Findings of Fact and Conclusions of Law in this
19 matter.

20 MEMBER SHERIDAN: Second.

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

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.

2 MEMBER SHERIDAN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 Denise, can you hear me?

12 MS. SIGLER: 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 Denise, best of luck to you.

20 MS. SIGLER: Thank you.

21 MEMBER MURPHY: Mr. President, moving on
22 to our next applicant, Daniel Hesslau, Paramedic in
23 Charge, Ambulance 22.

24 CHAIRMAN FORTUNA: Moving forward, Vince.

1 MR. PINELLI: Thank you, Mr. Chairman.

2 Let the record reflect this is a hearing
3 on the application for a Duty Disability Benefit
4 made by Daniel Hessler.

5 Mr. Hessler, are you on the line, sir?

6 MR. HESSLAU: Yes, Daniel Hessler
7 present.

8 MR. PINELLI: Mr. Hessler is represented
9 by counsel. Counsel, could you identify yourself
10 for the record, please?

11 MR. MARCONI: Jerry Marconi on behalf of
12 the applicant.

13 MR. PINELLI: Thank you.

14 Before we begin evidence, I'd like to get
15 the Board Exhibits addressed. Counsel, did you and
16 Mr. Hessler receive a copy of Board Exhibits 1
17 through 12?

18 MR. MARCONI: I did receive a copy and I
19 believe Mr. Hessler received a copy as well.

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

22 MR. MARCONI: I do not.

23 MR. PINELLI: Thank you.

24 Mr. Chairman, I move for admission of

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

3 CHAIRMAN FORTUNA: Admitted without
4 objection.

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

7 MR. PINELLI: Thank you.

8 Counsel, do you intend to call Mr.
9 Hesslau to testify?

10 MR. MARCONI: I do.

11 MR. PINELLI: Sir, could you please raise
12 your right hand and I would also ask Dr. Peters,
13 who will also testify, to raise his right hand.

14 (Witnesses in sworn.)

15 MR. PINELLI: Thank you. Then we are
16 ready to proceed. Counsel, do you wish to call
17 your first witness?

18 MR. MARCONI: Yes, sir.

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

22 EXAMINATION

23 BY MR. MARCONI:

24 Q Daniel, please state your name, if you

1 could spell your name for the court reporter or
2 tape recorder.

3 A It is Daniel Hesslau. D-a-n-i-e-l
4 Hesslau H-e-s-s-l-a-u.

5 Q Mr. Hesslau, you are employed by the
6 Chicago Fire Department, is that correct?

7 A Yes, sir.

8 Q Your application indicates I believe you
9 have been employed since March 1st of 2017, is that
10 correct?

11 A Yes, sir.

12 Q Prior to joining the Chicago Fire
13 Department, did you have other experience either as
14 a paramedic or a firefighter or anything dealing
15 with fire service?

16 A Yes, sir. I worked for the Cicero
17 Illinois contract on their ambulance and I also
18 worked as a Firefighter Paramedic for the Gary
19 Indiana Fire Department prior to being hired by
20 Chicago.

21 Q How many years did you do that prior to
22 joining Chicago?

23 A I have been in EMS since 2010, sir.

24 Q In addition to your regular duties as a

1 Paramedic within Chicago, do you do anything else?
2 Any training or anything like that?

3 A I was reached out to by the lead
4 instructor at Malcolm X, Maggie Murphy, who had me
5 be one of the preceptors for Region 11 for her
6 paramedic students when they go for their infield
7 training.

8 Q Just for the non-firefighters and the
9 Board, what is a preceptor?

10 A A preceptor is essentially an in the
11 field teacher so I would go and take the
12 information that the students would have learned
13 within a classroom setting and teach them how to
14 apply it into the real world setting.

15 Q How long have you been a preceptor or
16 instructor out in the field?

17 A Since I took the promotion to PIC was
18 when I was offered it and went to the workshop a
19 couple of years back. Fairly quickly it was
20 offered within like a year and a half of me
21 actually getting through the Academy.

22 Q Now when you started this process, you
23 submitted an application, along with an affidavit,
24 correct?

1 A Yes, sir.

2 Q Your affidavit is fairly lengthy. I am
3 assuming you reviewed that before today, is that
4 correct?

5 A Yes, I have, sir.

6 Q Does that pretty much set out the initial
7 symptoms and problems you experienced after you
8 tested positive for Covid?

9 A Yes, sir.

10 Q Who do you live with?

11 A My wife and my two children, Nancy and
12 Amelia, five and six.

13 Q Correct me if I am wrong but I don't
14 think any of them have ever tested positive for
15 Covid, is that correct?

16 A No, thank god. No. My wife is a Type I
17 diabetic and we were extremely cautious, especially
18 when I was contagious.

19 Q Your affidavit indicates you went on
20 layup on I believe November 1, 2020, is that
21 correct?

22 A That is correct, sir.

23 Q And did the Department classify this as a
24 duty exposure?

1 A Yes, sir.

2 Q Were you working -- were you on shift
3 when you started experiencing the symptoms and when
4 you went to a hospital?

5 A Yes, I was on shift. I reported for duty
6 and I did my job accordingly where I took my
7 temperature, my partner's temperature, documented
8 everything in the journal according to the
9 protocol, and I felt fine. And then come the
10 afternoon, we had a respiratory arrest I believe is
11 what the run was. We get to the University of
12 Chicago off of Cottage Grove where I recognized one
13 of the nurses behind the desk.

14 I kind of didn't feel so great so I asked
15 if I could have one of their temperature -- their
16 thermometers and it read at 103 or 104 and I was
17 getting pretty short of breath.

18 On that day, I was on a trade or an
19 overtime day because it wasn't my normal chief. It
20 was a Chief David Ernst who sent me home that day.

21 I had no issues in the morning. It just
22 kind of hit me quite literally like a bag of bricks
23 during the call and then I did something about it
24 afterwards.

1 Q Let's talk about your assignment that day
2 and your assignment before you went on layup.

3 Where were you assigned?

4 A I am assigned to Ambulance 22 in the 23rd
5 Battalion 459 EMS.

6 Q For the non-firefighters on the Board,
7 can you briefly describe Ambulance 22? Basically,
8 how active it is, where it is located, so on and so
9 forth.

10 A Ambulance 22 is one of the busiest
11 ambulances on the south side of Chicago. I know
12 that there are others that are busier but on my
13 ambulance it is completely not uncommon to have 20
14 plus runs a shift. Six of those being after
15 midnight. We run hard on 22. The entire 23rd
16 Battalion is a very busy district.

17 But 22, just to put it into perspective,
18 there are open spots on that ambulance on a regular
19 basis because no one wants to work there.

20 It is a hard ambulance but I took a lot
21 of pride in being on that ambulance and working
22 with the men and women that worked with me.

23 Q I apologize if I didn't hear you about
24 the length of the shifts. Are those 24-hour

1 shifts?

2 A Yes, sir, they are 24-hour shifts.

3 Q When you started having difficulty
4 breathing and the fever, I am assuming that was it,
5 that you then reported to Medical and tested
6 positive, is that correct?

7 A Yes. The very next day I went to the
8 drive-thru forest preserve on the north side Covid
9 testing clinic and I got swabbed that day and then
10 later on that week I tested positive at which point
11 I contacted Medical. Well, I contacted Medical on
12 the 2nd regardless. I didn't know what had
13 happened, that I had been laid up while on shift,
14 and then I let them know as soon as I got the
15 positive test result which was later that week.

16 Q Now, what did you do initially? I am
17 assuming you quarantined because of the issues that
18 you raised about your wife and your young children?

19 A Yeah. I was lucky enough that I have a
20 bathroom in my basement and I essentially came home
21 that day and went down in the basement and I didn't
22 leave my basement for over 40 days because of my
23 active symptoms and the fear of giving it to my
24 family.

1 I had a fever over 100 degrees for just
2 over 30 days, which is what a lot of the physicians
3 are saying is why I am having these issues
4 afterwards, the erratic temperature for so long.

5 I literally lived in my basement. My
6 wife would pass food down in a basket. It was
7 undoubtedly the worse time of my life I think.

8 Q According to the records, though, you did
9 have to leave a couple times because it indicates
10 that you were admitted into the hospital, is that
11 correct?

12 A Yes. I was taken out of the basement to
13 go to the hospital. That is correct, sir.

14 Q Did you go via ambulance or did somebody
15 drive you?

16 A The first time -- no, it was via
17 ambulance. I believe that my chief had called out
18 an at-home check team. I forgot what they call
19 them. An at-home Covid team that would come to the
20 house and they recommended me go and they called an
21 ambulance to take me to the hospital where I went
22 to Lutheran.

23 Q The first time, correct me if I am wrong,
24 was around November 9th?

1 A Yes, sir.

2 Q Why did you go to the hospital?

3 A They were saying initially that they
4 didn't feel comfortable leaving me by myself in the
5 basement due to my breathing issues at the time and
6 just my extreme fatigue, excessive dizziness. They
7 wanted me to go be evaluated by the emergency room
8 staff.

9 Q Did you get admitted on that trip or did
10 you go back home?

11 A No, I went back home. I was advised by
12 the team at Lutheran that I did in fact have Covid
13 and that I could stay. And it would be up to me in
14 the sense of I could either become more sick by
15 staying at the hospital because at that time Covid
16 was really rocking and rolling. Or, I could be a
17 danger to other people by being there so I opted to
18 go where I would be most secluded which was back in
19 my hole in the basement.

20 Q So you go back home. You seclude in your
21 basement, correct?

22 A Yes, sir.

23 Q And then the records indicate you had
24 another trip to Lutheran General on February 9th is

1 that fair to say?

2 A Yes, sir.

3 Q Via ambulance or did you drive yourself?

4 A The one in February was I got driven to
5 the hospital.

6 Q Why?

7 A That was I was in my home with my wife
8 and I experienced a -- one of my many at the time
9 syncopal episodes where I dropped. After I
10 dropped, my wife was reporting that I was like
11 slurring my words together, that I was acting
12 extremely confused and I didn't remember any of
13 that occurring. And when I reached out to my
14 doctor, which the cardiologist at that time who I
15 was working with was Dr. Sawlani from Lutheran
16 General, he advised that I go to the hospital and
17 he had me as a direct admit, which was my first
18 stay at Lutheran on the actual floor.

19 Q Just so we're clear, what do you mean by
20 a drop?

21 A I don't really know how to describe it,
22 except for it is -- I would be standing and then I
23 would just hit the floor. I don't remember
24 falling. I don't remember being on the floor. I

1 don't remember any of that. This would happen like
2 three to five times a week. I have hurt myself by
3 falling. I am not a petite individual and just my
4 body hitting the floor is -- my wife unfortunately
5 tried to catch me a few times and I would fall on
6 top of her.

7 There have been a few times where people
8 were always stopping by to help with things around
9 the house because I wasn't able to help with
10 anything. Some of my buddies would stop by. There
11 was one occasion, thankfully only one, in front of
12 my friends because it was, you know, demoralizing.
13 But he was able to catch me before I hit the floor.

14 It is just like my brain turns off and I
15 just -- it is like a syncopal episode. I just
16 fall. I don't know.

17 Q Was some of this caught on video?

18 A Yeah. Yes, not even on purpose. I was
19 in my son's bedroom folding a blanket or putting
20 his clothes away. We got one of those baby cameras
21 in there and it caught me dropping.

22 My wife had always kind of explained to
23 me what it was like. Or, my mom, who was
24 essentially my bona fide babysitter because I

1 couldn't be left alone with my own kids.

2 When I saw it, it really kind of became
3 very real that this is what was happening to me.
4 It did get -- yeah.

5 Q So locally here you had a team of
6 treating doctors, fair to say?

7 A Yes, sir.

8 Q And those doctors, you have read through
9 the Board's evidence packet, are contained in
10 there, correct?

11 A Yes, sir.

12 Q Dr. Michael Fisher was your primary care
13 physician, correct?

14 A Yes, sir.

15 Q And then you had a Dr. Omar, who was a
16 gastroenterologist?

17 A Yes, Dr. Hina Omar.

18 Q Dr. Hamdallah?

19 A Dr. Hamdallah, the neurologist from
20 Lutheran General.

21 Q And I think there was a Dr. Fisher?

22 A Yes. Dr. Fisher is my primary.

23 Q Dr. Miller?

24 A Dr. Miller, the electrophysiologist at

1 Lutheran General.

2 Q So, locally early on, I will say in the
3 first six months, a lot of testing being done, a
4 lot of trips to the doctors, is that correct?

5 A That is correct, sir.

6 Q At that time what were your main issues?
7 What was causing you to be unable to function
8 normally at home?

9 A During that time period when these
10 episodes started happening, it was the actual
11 episode itself. I wasn't allowed to drive for
12 obvious reasons. I wasn't -- didn't feel
13 comfortable being alone with my children. Thank
14 goodness my mom was retired and she was able to
15 come and help me with the kids at home. And it was
16 the dropping. You know. The nightmare of what if
17 I had one of these at the top of the stairs and go
18 down. What if I fall on top of my kids. It was
19 horrible because I had no control over it and no
20 one was able to give me an answer as to why this
21 was happening.

22 Q Were your local doctors able to resolve
23 most or some of these issues?

24 A I mean, the issues that were resolved or

1 essentially assisted was -- a big one was my blood
2 pressure. I have never had high blood pressure
3 before. They put me on a whole slew of different
4 meds for high blood pressure.

5 But I really didn't start seeing any
6 improvement in my lifestyle and in my day-to-day
7 operations before I was seen over at the Mayo
8 Clinic.

9 Q Let's talk about the Mayo Clinic. How do
10 you get there?

11 A Since I wasn't allowed to drive, my wife
12 would drive me. She would get time off approved
13 from her work. Or my father would drive me. My
14 brother-in-law or my father-in-law. They would
15 literally take turns driving me up there and
16 staying with me because I couldn't be left alone
17 and the clinic is a -- it is a clinic based
18 setting where there is just -- there is many
19 different specialties there and the entire
20 surrounding area is built around the Mayo Clinic so
21 they have various different connected hotels
22 essentially I suppose. It is all connected to the
23 Mayo Clinic like underground and everything. So
24 they would be with me the entire time and that's

1 how I would get around.

2 Q That was a poorly worded question. I
3 didn't mean physically. I mean, did you get
4 referred there? Did your doctors call up there and
5 set it up?

6 A I'm sorry. I apologize, sir. Dr.
7 Hamdallah was the initial person who said -- or not
8 initial, he was one of the doctors and the final
9 doctor actually who said this is where I think you
10 should go. My primary care physician Dr. Fisher
11 also believed that is where I should go. Dr.
12 Miller, the electrophysiologist, stated that he
13 believed that I should go to the Mayo Clinic to get
14 the treatment from there and to see what -- I
15 believe his words were "what the minds of Mayo have
16 to say". And then Dr. Hina Omar, my GI specialist,
17 when I had brought up to her the idea of me going
18 there she said that she also agrees with that as
19 well.

20 Q Did you see several different specialists
21 within the Mayo network?

22 A Yes, sir.

23 Q Did you have kind of a main like
24 occupational doctor who was kind of the point

1 person?

2 A Yeah, that was the head of the Covid
3 department, Dr. Vanichkachorn. Dr. Van is what he
4 asked me to call him.

5 Q You referred to him as Dr. Van, is that
6 correct?

7 A Yes, sir.

8 Q Would he make referrals then to other
9 specialists to work on these issues that you were
10 having?

11 A Yes, sir.

12 Q Can you tell the Board when you got to
13 Mayo did you see some instant, almost instant,
14 improvement in some of your symptoms?

15 A Once I went through the sleep studies,
16 yeah, absolutely. After the sleep study, which was
17 the last thing I did at Mayo Clinic, there was
18 marked improvement. "Instant" being your word,
19 yeah.

20 Q I mean, there was some success early on,
21 correct?

22 A Oh, yeah. Being there, trying out
23 different kinds of medication, seeing different
24 doctors. At least ruling things out, it was --

1 there was improvement, yes.

2 Q Prior to going to Mayo, prior to getting
3 the Covid, had you ever had any problems with
4 sleep?

5 A Never, no.

6 Q Any problems working at 24-hour shifts on
7 Ambulance 22?

8 A Never, no. I would work 24 hours on 24
9 hours off pretty much consistently, especially
10 during Covid when just the need for manpower was at
11 an extreme high. Every other day 24-hour shifts.

12 Q In the records, it indicates that you
13 were prescribed or given, I don't know what the
14 word is, a CPAP machine, is that correct?

15 A Yes, sir.

16 Q What is a CPAP machine?

17 A It essentially oxygenates an individual
18 who might have a sleeping disorder while they are
19 asleep.

20 Q Had you ever used a CPAP machine prior to
21 getting Covid?

22 A No, sir.

23 Q Did you see an improvement with your
24 syncope or fainting episodes after starting using

1 the CPAP machine?

2 A Yes, sir. That was the start of me not
3 experiencing them was being on the CPAP. My last
4 syncopal episode was last year.

5 Q Just so I am clear, the fainting spell is
6 that synonymous with what you refer to as a drop?

7 A Yeah. I mean, some doctors are calling
8 it a drop, some doctors are calling it syncope,
9 some doctors are calling it a fainting spell. But
10 it is all the same I believe is what I am kind of
11 gathering from their descriptions of what it is.

12 Q The records indicate you worked with a
13 cardiologist there, is that correct?

14 A I did work with a cardiologist there when
15 I first got to the Mayo Clinic, yes.

16 Q Okay. And that your cardiology issues
17 have either seemed to resolve or at least be less
18 frequent?

19 A They have definitely helped. They are
20 for sure less frequent, which I am very thankful
21 for.

22 Q When you do have a cardiac issue, what is
23 it? Is it palpitations?

24 A I get like a substernal chest pain,

1 sometimes my teeth hurt which is really weird, but
2 my pulse will drop. Blood pressure will increase.

3 Q And then in the records it indicates, and
4 I think Dr. Peters is on the line, but it refers to
5 a junctional rhythm. Was that a temporary
6 condition?

7 A Well, when I was at the cardiac rehab,
8 and I believe it was in May -- not May, I'm sorry.
9 I am trying to pull up my notes here. I was at
10 cardiac rehab and prior to me actually starting the
11 physical therapy itself, they put you on the
12 monitor and they are checking all your vital signs.

13 They noticed that my -- what they were
14 saying is that my T-waves were disappearing. It
15 looks like I went into a junctional rhythm. And
16 they wouldn't let me actually exercise that day.
17 In fact, they were actually trying to initially
18 send me off to the emergency room. Thankfully, the
19 nurse that was working there had been my nurse at
20 cardiac rehab from my first day and she knows my
21 history and everything and understands it. It
22 really wouldn't have benefited me, especially since
23 it went away after a handful of minutes.

24 But they said that the T-waves

1 disappeared and that my pulse rate had dropped
2 making it look like a junctional rhythm. One of
3 the nurses there would say junctional to me.

4 Q You're still -- I guess to bring you
5 up-to-date then. You have had a lot of this
6 treatment at Mayo Clinic, is that correct?

7 A Yes, sir.

8 Q Is it absolutely necessary that you use
9 the CPAP machine today?

10 A Yeah. There have been a few instances
11 where I might roll in my sleep or I don't have a
12 good seal on the mask. You know, these things are
13 done with Velcro on the sides of your face. The
14 next day I am shot. I mean, the first time it
15 happened it was terrifying because I thought that I
16 was right back at Ground Zero again.

17 My blood pressure could be upwards to 190
18 to 200 systolic. I feel extremely dizzy. I can't
19 walk straight without having to hold onto a wall
20 like I am an old man. The body is rocking and
21 rolling. My headache is out of control and I am
22 assuming the headache is because of increased blood
23 pressure and my whole day is done.

24 My wife has had to call off work before,

1 if my mom couldn't come and help with the kids and
2 me quite frankly.

3 It is -- if I don't have it, it is not
4 like I feel groggy the next day. It is like I am
5 back in my basement. You know, it is like an
6 immediate reset, yeah.

7 Q As far as the CPAP machine, I know that
8 -- I can't remember if it is in Dr. Peters' report
9 or all over the records. I think you were
10 diagnosed with dysautonomia? Did I say that right?

11 A Yes. Dr. Hamdallah is -- it is
12 dysautonomia, dysautonomic functions, and a couple
13 of other names for it but that is what my
14 neurologist is saying.

15 Q What is your lay opinion as how that is
16 related to the breathing issues that you are having
17 causing you to wear the CPAP?

18 A The initial connection with it was when I
19 was working with Dr. Van was there was a study that
20 was done about -- the title "The Resolution of
21 Syncope with Treatment of Sleep Apnea".

22 They are trying to -- they have noticed
23 that with previous cases of people who have these
24 syncopal drop episodes, whatever it is you would

1 like to call it, it improved with the treatment of
2 the sleeping disorder and pretty much they were
3 just trying to check off all the boxes. When they
4 checked off that box, I haven't fallen since.

5 But I know that if I don't have that on
6 my face -- I have even considered having to put a
7 generator in the house because god forbid we lose
8 power. It is a very scary thing for me.

9 Q This is a current issue or current
10 condition that you are experiencing, correct?

11 A Yes, sir.

12 Q Just so we're clear, once you had the
13 sleep study, you haven't had the fainting episodes?

14 A Correct. Since then I have been placed
15 on a case study basis.

16 Q Let's talk about work and your
17 assignment. At any time, and I don't know if you
18 are familiar with this, was there any -- I will
19 call it a Functional Capacity Evaluation to
20 determine whether or not you could work a 24-hour
21 shift where you could be active the entire 24
22 hours?

23 A No, I don't think I ever went through a
24 functional test. The majority of my stuff with

1 Medical was just talking for the most part and like
2 physically evaluating like blood pressure and lung
3 sounds, et cetera.

4 Q Have you tried to reach out within the
5 Department to see if you could be placed anywhere
6 where you wouldn't be working at least for a while
7 in a 24-hour shift where you would be required to
8 be constantly busy and your sleep would be
9 interrupted constantly?

10 A I have. This job is a job that I wanted
11 since I was a kid. This is my dream job. I would
12 do anything to get back to work. I am being told I
13 can't.

14 Q Did you reach out to see at least if you
15 can come back for the timebeing in a place that
16 might be I guess safe?

17 A I was told that I wasn't able to get
18 those positions because they are biddable positions
19 and I wouldn't be able to put in for it due to my
20 circumstances. And that in order to get off of
21 extended medical, I had to be released to my
22 previously assigned duty, which was Ambulance 22.
23 Or, in all reality, I probably would get put down
24 in the Field Division South relief pool.

1 Q So your doctor, I will call him Dr. Van,
2 it is easier to pronounce, he has some records in
3 there, for the timebeing he's not releasing you due
4 to safety concerns of you returning to an
5 ambulance. I am assuming you read those reports in
6 the records?

7 A Yes, sir.

8 Q So, being an experienced paramedic, being
9 experienced in the health field, whatever, and
10 obviously firsthand having all of these various
11 symptoms and treatments and stuff like that, do you
12 feel it is safe for you right now to go back to
13 your old assignment on Ambulance 22?

14 A No. That is hard for me to say but no.

15 Q Why?

16 A I feel like I would be a detriment to my
17 team and my patients.

18 Q What is the basis for that concern?

19 A You know, the examples that were given to
20 me from Dr. Van, because I wasn't seeing this when
21 I was initially talking with him. I wasn't
22 thinking about anyone else but myself.

23 He is like you are carrying a 90-year old
24 woman down the stairs who just needs to get their

1 feeding tube replaced and all of a sudden you have
2 one of these episodes because you haven't had your
3 CPAP machine on the correct way or something
4 happened because you were at work and you couldn't
5 get the therapies that you needed. Now you go down
6 the stairs and you hurt your partner and everyone
7 else that is there.

8 Or, I mean, I wouldn't want me to respond
9 to my mother having an issue, a 911 right now,
10 because of the risk involved with it. That is me
11 saying that outloud. Anybody that knows me knows
12 being a paramedic is everything to me and that I
13 don't think that it is safe for me to be doing what
14 I love to do.

15 Q That being said and considering all the
16 unknowns that are associated with Covid, I mean,
17 what is your plan? Is your plan -- I mean, you're
18 still at Mayo, correct?

19 A Yes, sir.

20 Q And you still communicate with Dr. Van on
21 occasion, if there is any issues?

22 A Yeah. I am on a case study basis with
23 Dr. Van so he is going to notify me if they find
24 anything that's not just a Band-Aid. The CPAP at

1 home essentially is a Band-Aid for me, I suppose.
2 It's just a for now thing so I am on it with a PRN
3 basis where he is going to reach out when something
4 happens or I reach out where I need help with
5 something.

6 Q It is not your intent -- your intent is
7 to get back to work as soon as you can do it safely
8 or there is a position offered where you are not at
9 least initially placed on a very busy ambulance
10 working 24 hour shifts?

11 A Yeah. I am 32 years old and that is my
12 dream job. So, yeah, I want to go back to work.

13 Q How long have you been on a no pay
14 status?

15 A I haven't been paid since October.

16 Q That's not anything due to the Pension
17 Board, that is due to some paperwork screw up
18 within the Department, is that correct?

19 A Yeah. Yes. Somebody at HR -- I was
20 advised by --

21 Q We don't have to blame anybody. The
22 bottom line is for whatever reason you have been on
23 no pay since October?

24 A That is true, yes.

1 MR. PINELLI: Counsel, I don't mean to
2 cut you off, but I don't think that is necessarily
3 relevant.

4 MR. MARCONI: I agree. It is just
5 unusual and people usually don't go on no pay that
6 long and I don't want to blame anybody or anything
7 like that. We made the point. I am off it.

8 I don't have any other questions for Mr.
9 Hessler.

10 CHAIRMAN FORTUNA: Any questions?

11 MEMBER CONYEARS-ERVIN: Mr. President, I
12 just wanted you to know Treasurer Conyears-Ervin is
13 here.

14 CHAIRMAN FORTUNA: Thank you.

15 MEMBER CONYEARS-ERVIN: I heard the full
16 testimony, I just wanted you to know, for the
17 voting.

18 CHAIRMAN FORTUNA: Very good.

19 Trustees, any questions?

20 MEMBER MARTIN: When was the last syncope
21 episode for clarification?

22 MR. HESSLAU: My last syncopal episode, I
23 am pulling it up right now, sir, May 14th of last
24 year.

1 MEMBER MARTIN: Thank you.

2 CHAIRMAN FORTUNA: Any other questions?

3 Hearing none, Vince.

4 MR. PINELLI: Thank you.

5 EXAMINATION

6 BY MR. PINELLI:

7 Q Mr. Hesslau, I have a few questions for
8 you as well.

9 You mentioned that for a period of time
10 you were not driving a car. Are you driving a car
11 now?

12 A Yes.

13 Q If I understood your testimony, you said
14 prior to the Covid diagnosis you had never been
15 diagnosed with sleep apnea, is that correct?

16 A That is correct.

17 Q But did you have any difficulty sleeping
18 prior to the Covid incident? In other words, did
19 you have issues waking up, things like that?

20 A No, sir.

21 Q None of that started until the Covid
22 diagnosis is that what you are saying?

23 A Yes, sir.

24 Q You are also saying that it is regulated

1 or it is treated through the CPAP, the sleep apnea?

2 A Yes, sir.

3 Q So, basically, you use the CPAP, what, at
4 night or when you sleep? When do you use it?

5 A Yes, sir, at night when I go to bed it
6 goes on my face.

7 Q Do you know if the CFD allows for the use
8 of a CPAP while you're on shift or on-duty?

9 A I believe they do but I think currently
10 with Covid there is like special accommodations
11 that need to be made for people on CPAP since it --
12 I don't know the science behind it. But they are
13 saying you can't have a CPAP in general population
14 bunk rooms or anywhere where multiple people are at
15 due to the Covid issue.

16 Q It sounds like your concern is that if
17 you don't use the CPAP the fainting episodes might
18 reoccur, that is what you are concerned about,
19 right?

20 A Yes. At the absolute minimum, feeling
21 the way where my pressure is extremely elevated. I
22 can't really walk very far without feeling
23 excessively fatigued. And I don't know how I would
24 be able to function as a 911 paramedic for the City

1 of Chicago, if I can't even get to the ambulance in
2 a proper pull out time to get to someone who needs
3 help.

4 MR. PINELLI: Counsel, I am directing you
5 to Group Board Exhibit 6.A.

6 BY MR. PINELLI:

7 Q These are notes from Advocate but they
8 reference a study that was done when you were at
9 Mayo in May of '21. There is a reference in the
10 notes that said that, "The patient was walking back
11 to bed from the bathroom. He took a few steps
12 normally. Then seemed to slow down. His body
13 leaned forward with an initial slow movement
14 followed by collapse down". That sounds like one
15 of the episodes you're talking about, right, what
16 would happen to you?

17 A I believe you're talking about when I was
18 in the epilepsy unit when they were trying to rule
19 out epilepsy at the Mayo Clinic.

20 Q Then it says, "The patient remained limp
21 in the sling for several seconds and per nursing
22 report was holding his breath". Did you recall
23 that episode?

24 A I don't recall any of the episodes, sir.

1 I know dropping. I know for sure dropping. I
2 dropped there and that is where they found that it
3 was not epilepsy related. The holding of the
4 breath thing I did not know that was a thing, to be
5 honest with you.

6 This is a gigantic document. I have had
7 so many different medical records over this time
8 period here.

9 My wife and those who have seen me go
10 down said that it doesn't appear like I am
11 breathing when I go down but I don't know about
12 holding my breath. That is what you are asking
13 about, sir?

14 Q Yes, that was what I was asking about.
15 You don't have a recollection that you held your
16 breath at that incident is that what you are
17 saying?

18 A No. No, I don't remember any of my
19 incidents. I go from standing to floor, you know.

20 Q And then just to conclude here, other
21 than your concern about possibly fainting again or
22 having these episodes in the future, basically, you
23 feel like you would be able to go back to work?

24 A Yes, sir. I would love for one day to be

1 able to be told that I can return to my duties.

2 Q Now, since you went on layup, have you
3 engaged in any activities by which you earn income
4 or money?

5 A No. No.

6 Q Have you engaged in any sporting
7 activities?

8 A No.

9 Q Are you taking any medications prescribed
10 by a physician for any condition?

11 A Yes, sir.

12 Q What are you taking?

13 A I am taking Metoprolol for my high blood
14 pressure and Amitriptyline for neuropathy.

15 MR. PINELLI: Thank you. That is all the
16 questions I have.

17 CHAIRMAN FORTUNA: Trustees, any
18 questions?

19 Hearing none.

20 MR. PINELLI: Counsel, do you have any
21 brief follow up on that?

22 MR. MARCONI: No, Vince.

23 MR. PINELLI: Thank you. Do you have any
24 other witnesses before I proceed to call Dr. Peters

1 to testify?

2 MR. MARCONI: No, I do not.

3 MR. PINELLI: Do you have any objection
4 to me calling Dr. Peters?

5 MR. MARCONI: No.

6 MR. PINELLI: Thank you.

7 (Witness previously sworn.)

8 MICHAEL I. PETERS, M.D.

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

11 EXAMINATION

12 BY MR. PINELLI:

13 Q Dr. Peters, would you please state your
14 name?

15 A Michael I. Peters.

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

17 A Yes.

18 Q And is a copy of your qualifications as a
19 physician attached 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, either examine or interview applicants and
2 report to the Board?

3 A Yes, I do.

4 Q Did you follow that procedure with
5 respect to this applicant?

6 A Yes.

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

9 A Yes, I did.

10 Q Doctor, due to the current pandemic
11 conditions, did you interview him rather than
12 examine him?

13 A I interviewed him by telephone.

14 Q Was the information that he provided to
15 you in your interview consistent or inconsistent
16 with the medical records you reviewed?

17 A I think his understanding of his
18 conditions is not always consistent with what the
19 specialists at Mayo concluded.

20 Q Putting aside his understanding as he
21 expressed it to you, did the information he
22 provided about his medical history, though, seem to
23 be accurate?

24 A Yes.

1 Q Let's talk about Mayo because I know
2 there was a lot of different testing. And so to
3 keep it to the point, in your report you state,
4 "All of his post-Covid symptoms have either
5 resolved, been controlled with treatment, or were
6 ultimately diagnosed as functional".

7 So let's talk about what are the
8 treatments that are controlling any symptoms he's
9 having?

10 A If you refer to the bottom of my Board
11 letter, I summarize the new complaints that he
12 developed post-Covid.

13 Q Okay.

14 A So, to start with hypertension, his
15 hypertension has been controlled and it is
16 documented in his cardiac rehab. I included that
17 in my letter.

18 He did not have episodes of hypertensive
19 emergency during that time. I did not see any
20 documentation that his blood pressure was either --
21 that he was either in shock and hypotensive or
22 having blood pressure that was significantly
23 elevated enough to cause organ symptoms and that
24 has all been controlled with one medication

1 Metoprolol.

2 Next he has been having ongoing
3 intermittent chest pain. He's had an extensive
4 cardiac evaluation for ischemic disease or coronary
5 disease and that has been negative.

6 And then he had a documented, and I did
7 see the rhythm strip from cardiac rehab, on August
8 23rd of '21, he had what is called an accelerated
9 junctional rhythm during rehab. It lasted ten
10 seconds. It was not associated with hypotension.
11 The rate was in the 70's, that is why it is called
12 accelerated because the normal junctional rhythm
13 would be in the 40's to 50's. But that was
14 evaluated at least by telephone by a cardiologist
15 from Mayo who did not express concern about that
16 and advised if it occurred again that he should
17 have a long -- you know, a 30-day cardiac event
18 monitor to look for any arrhythmia.

19 Along the lines of arrhythmia, that was
20 evaluated as a possible cause of his multiple
21 fainting spells, syncopal events. And even with
22 the monitor at Mayo, when he wore a prolonged
23 monitor and he had an event, there was no abnormal
24 rhythm.

1 Next is myocarditis, which is
2 inflammation of the heart muscle, that is sometimes
3 seen with acute Covid infection.

4 During his hospital admission in
5 February, February of 2021, he had possible area of
6 myocarditis seen on his cardiac MRI. This again
7 was repeated and it was unchanged on a subsequent
8 cardiac MRI. Cardiologists from Mayo did not think
9 this was a clinically significant myocarditis. In
10 other words, he didn't have heart failure or
11 permanent damage to the heart muscle function as
12 measured by an echocardiogram.

13 And then he was admitted. There was a
14 question of a stroke or TIA, a transient ischemic
15 event. He was admitted to Lutheran with facial
16 weakness and slurred speech. All of his neuro
17 imaging, CT angiogram of the head and neck, MRI,
18 MRA of the head and neck, which were repeated, were
19 negative for any area of stroke within the brain.

20 The neurologist concluded that this was
21 unlikely to represent a TIA or a stroke. One
22 neurologist from Mayo thought it could possibly be
23 related to a migraine because it was often followed
24 by a headache.

1 And then the syncopal episodes, the
2 fainting spells, which were numerous by his report,
3 without warning he just dropped. One of them was
4 captured as he mentioned on a home camera. The
5 home video was reviewed by a neurologist at Mayo.
6 It was advised that he wear a long -- for an
7 extended period of time, he wear an EEG monitor,
8 which is to look for any seizure activity within
9 the brain, and to wear a cardiac monitor to look
10 for any abnormal rhythm as the cause of syncope.

11 This was done at Mayo and he had one
12 episode that was witnessed by the staff there. He
13 was wearing restraints so he didn't actually hit
14 the ground but he did pass out. So there is three
15 things. The nurse reported that he was holding his
16 breath.

17 The EEG and cardiac event monitors were
18 all negative. There was no seizure activity. No
19 abnormal rhythm.

20 The conclusion from the specialists at
21 Mayo was that these were not cardiac or neurologic
22 in their cause but rather likely to be functional.
23 Meaning there was no medical explanation but rather
24 a psychological explanation was more likely.

1 And then the diagnosis of dysautonomia,
2 this is abnormal function of the autonomic nervous
3 system. This is the part of the nervous system
4 that is not under our control.

5 For example, when you stand up, there is
6 blood pooling in your legs. The body has to
7 compensate for that otherwise you would faint, feel
8 dizzy, so your arteries and veins in your leg
9 constrict. Force blood back up to the heart. The
10 heart beats faster and more vigorously for a period
11 of time. That is the normal autonomic response so
12 that the brain remains perfused with blood and you
13 don't pass out.

14 This was considered as a possible cause
15 of his multiple syncopal episodes. But he had a
16 tilt table test, which is a specific test for
17 looking for any abnormal response of your pulse and
18 blood pressure with changes in body position.

19 Even though he subjectively reported that
20 he was feeling lightheaded, that he might faint,
21 seven minutes into the study, it was really
22 negative.

23 In addition at Mayo, they did very
24 specific chemical tests for dysautonomia which were

1 also all negative.

2 Then later in his course he developed
3 constipation or changes in bowel habits. He was
4 determined to have abnormal muscular function for
5 the muscles that are involved with defecation.
6 They weren't working as well as they should
7 possibly causing his constipation.

8 The conclusion from the physicians at
9 Mayo was that this could be related to work stress
10 or possibly anxiety from having Covid. Either way
11 he required physical therapy specific to pubic
12 floor dysfunction. And at least by his report when
13 I spoke to him, it sounds like that therapy was
14 effective and that he's having normal bowel
15 movements on a regular schedule as opposed to once
16 a week.

17 And then sleep apnea. He underwent a
18 sleep study at Mayo that showed mild obstructive
19 sleep apnea. That is the upper airway would close
20 off when he was lying flat and sleeping.

21 As he expressed, it was his opinion, to
22 the Mayo physicians, that this could be related to
23 Covid. It could also be the cause of his syncope.
24 The physicians at Mayo specifically stated that

1 they did not agree, you know, that the sleep apnea
2 was the cause.

3 It was also noted that he gained 30
4 pounds during all of this, which probably would be
5 a more likely explanation for upper airway
6 obstruction when you lay flat.

7 And then, you know, either way his
8 subjective sleep has improved with CPAP and by his
9 report his syncopal episodes have all resolved.

10 Again, this wouldn't make sense from a
11 medical standpoint and it wasn't the opinion of any
12 of the subspecialists at the Mayo Covid Clinic.

13 However, interestingly, Dr. Van has
14 written that he thinks that the two are connected.

15 I would say that Dr. Van's opinion does
16 not fit with the opinions of the other specialists
17 at the Mayo Clinic.

18 Q I'm sorry, let me stop you there for a
19 minute. Just focusing on the sleep apnea issue,
20 that sounds like that sleep apnea is a result of
21 some physical factor that a person has. Do you
22 know of any literature that says that Covid causes
23 sleep apnea?

24 A I think Covid can cause sleep apnea if it

1 is a neurologic central based sleep apnea. Meaning
2 it is your respiratory drive neurologically that is
3 causing it.

4 Though, when it is specifically
5 obstructive, meaning the upper airway collapses on
6 itself when you lay flat and sleep, no.

7 Q That is what he has, he has the
8 obstructive issue?

9 A Yes.

10 Q Based on what you have seen in these
11 records, does it appear to you that he doesn't have
12 or does he have a medical condition currently that
13 is preventing him from performing his duties
14 related to Covid?

15 A I don't think he has a current medical
16 condition that would prevent him from -- related to
17 Covid that would prevent him from working, no.

18 Q You mentioned Dr. Van -- I am going to
19 shorten it because I can't pronounce it. But the
20 Mayo doctor, Dr. Van, that the applicant testified
21 to at Mayo, he did indicate he believes that he
22 should not -- he placed him at MMI and he does not
23 think he can return to laborious or safety
24 sensitive duties, that is his conclusion. Did he

1 give anything in the record to support that
2 conclusion?

3 A I didn't see an opinion from him as to
4 why he thought that. He stated that opinion very
5 early on in the Mayo evaluation so it was an
6 opinion from the beginning before, you know, all of
7 the diagnoses were -- you know, all the different
8 complaints were evaluated. Dr. Van didn't think
9 that he would be safely be able to go back to work.
10 So I related that to the syncopal episodes. That
11 if he was having frequent syncopal episodes he
12 wouldn't be safely able to drive or take care of a
13 patient.

14 I don't know why he persists with that
15 opinion after the syncope was fully evaluated by
16 the other Mayo subspecialists.

17 Q Would you agree with his opinion?

18 A Well, I do have concern about him
19 returning to safety sensitive duty primarily
20 because of the functional nature of these syncopal
21 episodes. Meaning, I don't know if it will happen
22 again. From a psychological standpoint, I think
23 that needs to be further evaluated.

24 Q But the syncopal episodes I think are

1 related, at least as far as we have heard, to the
2 sleep apnea. That's the connection there to the
3 syncopal episodes or is that correct or are they
4 just of an unknown etiology?

5 A It's my opinion that neither of those
6 statements are correct. I think he's had a
7 thorough evaluation for his syncope. I think
8 experts at the Mayo Clinic have concluded that it
9 is functional. Meaning a nonmedical psychological
10 basis.

11 I think that they also clearly stated
12 that sleep apnea is not the cause of his syncope.
13 That his sleep specialists and neurologists both
14 said that's not the cause.

15 The only thing you can say is that the
16 episodes have stopped since he started using a CPAP
17 mask.

18 Q Other than that fact, there's nothing
19 else to indicate, at least what I am hearing from
20 you, that from a medical standpoint that you saw,
21 that his fainting episodes were the result of sleep
22 apnea, is that true?

23 A I am sorry, can you say that again?

24 Q Sure. Other than the fact that the

1 fainting episodes stopped after he used the CPAP,
2 as he testified to, is there any other medical
3 evidence in the record to indicate that the
4 fainting is caused by his sleep apnea, untreated
5 sleep apnea?

6 A There is no evidence -- there is no
7 medical evidence that his syncope is caused by
8 sleep apnea. There is only the fact that he
9 stopped having the episodes when he started using
10 the mask, CPAP.

11 MR. PINELLI: That is all the questions I
12 have of the doctor at this time.

13 CHAIRMAN FORTUNA: Trustees, any
14 questions for Dr. Peters?

15 Hearing none.

16 MR. PINELLI: Counsel, do you have any
17 questions?

18 MR. MARCONI: Yes, I just had a couple to
19 follow up.

20 EXAMINATION

21 BY MR. MARCONI:

22 Q Dr. Peters, I guess what I am not sure
23 about, what is this dysautonomia?

24 A A dysautonomia is malfunction of the

1 autonomic nervous system. Again, that is the part
2 of the nervous system that's not under our control.
3 Usually we are referring to responses of pulse and
4 blood pressure to changes in body position. That
5 doesn't occur normally in somebody who has
6 autonomic dysfunction.

7 Q So, my understanding from going to Dr.
8 Google is it basically -- it is part of the nervous
9 system that controls involuntary bodily functions,
10 like heartbeat, breathing and digestion. Do you
11 think that is accurate?

12 A Yes.

13 Q So could a sleep issue be caused by this
14 nervous system problem or issue?

15 A Vince asked me that question. If it was
16 a central sleep apnea caused by a neurologic
17 problem or it was a cardiovascular issue where his
18 heart rate either stopped -- his heart rate went to
19 zero, he went to asystole, or it became very
20 bradycardiac, very slow. But not obstructive which
21 is really from upper airway collapse in the back of
22 your throat.

23 Q I know you indicated that the sleep issue
24 -- I think you said the sleep issues are not

1 related to the Covid or could they be related to
2 the Covid?

3 A It's my opinion that they are not related
4 to the Covid. That was the opinion of other
5 physicians at Mayo.

6 Q I was looking at your report on 2.4 and I
7 think it is like the fourth paragraph from the
8 bottom. You indicate that Dr. Van stated, "Of
9 course, the patient did not have difficulties with
10 his GI symptoms or sleeping prior to his COVID-19
11 infection. We have seen similar symptoms in other
12 patients ranging from mild to severe. Based on the
13 timeline reported by the patient, in my medical
14 opinion, the patient's sleep issues are related to
15 his COVID-19 infection from work".

16 I am assuming that his treating physician
17 Dr. Van -- his opinion is that they are related, is
18 that fair to say?

19 A Yes. I want to clarify from the question
20 you just asked me before. When we refer to the
21 physicians at Mayo, I am not referring to Dr. Van.
22 Dr. Van's opinion that you just read doesn't fit
23 with the opinions of the other doctors at Mayo. So
24 I am referring to the subspecialists that Dr. Van

1 referred to, that he sent him to. Those physicians
2 did not think that the sleep apnea was the cause.
3 Only Dr. Van has written an opinion that you just
4 read.

5 Q Those other specialists, you are talking
6 about the cardiologist, you are talking about the
7 GI doctor, is that correct?

8 A No. I am referring to the neurologist,
9 the epileptologist, the sleep study specialists.

10 Q Okay. But it seems that once he got over
11 there and they prescribed the CPAP machine, I mean
12 he did almost instantaneously stop having the falls
13 and the syncopal episodes?

14 A That is true but the physicians at Mayo
15 also concluded that these were functional episodes.

16 Q What does that mean?

17 A Meaning under his control of a
18 psychological etiology.

19 Q Do you know if they referred him out to
20 any -- I know sometimes you will see where they
21 will refer them out to a psychiatrist or a
22 psychologist to do an evaluation to determine
23 whether or not this could be a psychological issue?

24 A I didn't see a referral to a

1 psychiatrist, no.

2 Q In terms of -- I guess in the Mayo
3 records that I have read, I didn't see anything
4 where they indicated that it could be a
5 psychological issue.

6 A I can go through my note. I have it all
7 highlighted. Whenever they refer to it as a
8 behavioral/functional, that is what they are
9 talking about.

10 I can go through that specifically. But
11 if you look for the word behavioral, like the cause
12 of syncope, we have excluded cardiovascular and
13 seizure. And we have discussed with him that it is
14 behavioral or functional, that is what they are
15 referring to.

16 Q But there has never been a behavioral
17 analysis, though, by someone who specializes in
18 whatever psychological cause or something?

19 A I didn't see that in the records.

20 Q Then you indicated that, you know, you
21 talked about the risk of his going back to work in
22 a safety sensitive position. I have seen your name
23 on a lot of IMEs in suburban cases. Where normally
24 a doctor will refer a patient out maybe for a FCE,

1 a Functional Capacity Evaluation, correct?

2 A Yes.

3 Q Do you think that would apply? I mean,
4 would that be a good idea here to determine whether
5 or not Mr. Hesslau could be tested to see if he
6 could perform the specific job or would that not
7 apply in this situation?

8 A It's my opinion that -- I haven't seen
9 evidence from a physical standpoint he's not able
10 to perform the requirements of his job. The
11 concern I expressed was because he's had a history
12 of what appears to be functional or behavioral
13 fainting spells and I am not sure why that is
14 happening but I think it should be evaluated from a
15 psychological standpoint.

16 Q That could be further treatment then,
17 correct? I mean, if he went back to Dr. Van and
18 even asked for a referral to see if that might be
19 the cause of his loss of functioning when his mask
20 falls off or when he is up too long, that is
21 something he could explore?

22 A Yes.

23 Q Is there any reason from reading the
24 records why Mayo wouldn't have done that? It

1 doesn't sound like they did.

2 A I can't guess why they didn't, except the
3 events stopped.

4 Q Okay. I think we talked about this in
5 the prior hearing. This Dr. Vanichkachorn -- he
6 is -- obviously, I am assuming he has a good
7 reputation because he is -- I don't want to say
8 leading the clinic but he's at least the point
9 person here for the care of Mr. Hesslau.

10 A I would assume -- I mean, he appears to
11 be highly qualified.

12 Q He seems to be specialized just in this
13 -- right now specialized in this long hauler Covid
14 I will call it a syndrome, long haul, whatever. He
15 specializes in this area where people are having
16 these continuing issues with Covid related illness,
17 they usually send them to Mayo or they can send
18 them to Mayo?

19 A I have seen other people referred to Mayo
20 but again there is people who often will see their
21 own specialists in the area, multiple specialists,
22 referred by their primary care physician. Or they
23 will go to one of the other post-Covid specialty
24 clinics in the Chicago area and then people often

1 go to Mayo as well.

2 Q I mean, I am assuming, and correct me if
3 I am wrong, I realize you're saying that you see
4 the word behavioral in there. You are not
5 intimating that he is malingering?

6 A The definition of maligning would be
7 doing it for gain. I am not suggesting that at
8 all. I am really not suggesting anything like
9 that. I am conveying to the Board what the
10 conclusions of the subspecialists at Mayo -- what
11 their opinion was based on all of the testing they
12 did to evaluate medical causes of syncope.

13 Q You didn't see anything in the records
14 that prior to Covid he had any sleep apnea or any
15 kind of sleeping issues prior to this?

16 A No. But I did see that he gained 30
17 pounds during Covid.

18 Q Have you seen that in other patients
19 where due to, I don't know, one or more factors
20 that there can be weight gain with post-Covid long
21 haulers?

22 A I haven't seen weight gain as a result of
23 a chronic Covid condition. I think people that
24 were homebound, you know, weren't doing their usual

1 activities. I don't think that is unusual for
2 somebody to gain weight.

3 Q It might not mean medically related to
4 Covid but due to the effects of Covid. Whether it
5 is mental, whether it is physical, staying at home,
6 like you said that could lead to some people
7 putting on weight?

8 A Yes.

9 Q I didn't see anything -- just so we're
10 clear, I didn't see anything in the records, maybe
11 I missed it, about the weight gain being the cause
12 for the sleep apnea. Was that ever a conclusion
13 from Mayo or are you doing it as a process of
14 elimination?

15 A If you can give me a few seconds to find
16 that part of the note.

17 MR. PINELLI: Counsel, while he's looking
18 for that, I assume we're getting close to the end
19 here with testimony?

20 MR. MARCONI: Yes.

21 MR. PINELLI: Okay.

22 DOCTOR PETERS: I am having trouble
23 finding the part with the 30-pound weight gain, but
24 it was made by the physicians in the context of

1 sleep apnea.

2 MR. PINELLI: Is that on Page 2.4 of your
3 report or you reference it about the middle of the
4 way down?

5 DOCTOR PETERS: Oh, I do. Okay, hold on
6 a second.

7 MR. PINELLI: The sentence starts "was
8 seen by Dr. Kammi Grayson".

9 DOCTOR PETERS: Hold on one second.

10 Yes. So he was seen by the sleep
11 specialist and part of the history was that his
12 wife had noted he was snoring more and that he had
13 gained 30 pounds.

14 I mention that because that is relevant
15 to a new diagnosis of obstructive sleep apnea. He
16 included that as relevant history so.

17 Q He definitely has a weight gain as far as
18 you know?

19 A Yes.

20 MR. MARCONI: I don't have anything
21 further, Vince.

22 MR. PINELLI: Thank you.

23 MEMBER MURPHY: I'd like to make a motion
24 to go into executive session under 2(c)4 of the

1 Open Meetings Act.

2 MEMBER MARTIN: Second.

3 CHAIRMAN FORTUNA: There is a motion to
4 go into executive session seconded by Trustee
5 Martin.

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 Martin

16 MEMBER MARTIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: 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, I'd like
2 to make a motion to grant the benefits requested by
3 Paramedic in Charge Daniel Hesslau.

4 MEMBER MARTIN: Second.

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

8 Trustee Murphy.

9 MEMBER MURPHY: No.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: No.

12 CHAIRMAN FORTUNA: Trustee
13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: No.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: No.

17 CHAIRMAN FORTUNA: Trustee Martin

18 MEMBER MARTIN: No.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: I am a no.

22 Motion fails.

23 MEMBER MURPHY: I would like to make a
24 motion to deny the benefits requested.

1 MEMBER MARTIN: Second.

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

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: No.

18 CHAIRMAN FORTUNA: I am a yes.

19 MS. BURNS: That motion passes.

20 We would recommend that we prepare

21 Findings of Fact consistent with the Board's

22 direction just now. We will have those available

23 for the member and his attorney by next month for

24 adoption by the Board.

1 CHAIRMAN FORTUNA: Mr. Hesslau, are you
2 on?

3 MR. HESSLAU: Yes, I am here.

4 CHAIRMAN FORTUNA: Based on the evidence
5 we have heard and considered, the Trustees have
6 voted to deny the benefit that you have requested.

7 You will be notified my mail of the
8 Findings of Fact and the Board's decision. Thank
9 you.

10 MEMBER MURPHY: Mr. President, moving on
11 to B, request for a handicapped child annuity.

12 MS. BURNS: This is scheduled for a
13 hearing today on a handicapped child annuity. This
14 woman applied for the benefit in August. She is a
15 approximately 40-year old woman, who was looking
16 for a benefit, based on her handicapped status.
17 She has bipolar disease. More accurately, she has
18 been diagnosed with bipolar disease.

19 Our Member was Robert Doyle, who died in
20 April of 2021. While this matter was pending, the
21 applicant Ms. Megan Doyle died. She died at the
22 end of the year on December 19th.

23 As a result of her death, it is our
24 opinion that her claim for a benefit abates. I

1 know that is a hard concept but what that means is
2 that her claim for a child's annuity did not
3 survive her death.

4 We base that opinion on the Illinois
5 Appellate Court's decision in the Hooker case and
6 in the Reynolds case. Both cases involved the
7 Firemen's Annuity and Benefit Fund of Chicago.

8 We also base it on the Illinois Pension
9 Code, which says that claims that Members have or
10 their beneficiaries have are not assignable. So it
11 is not like she can assign this claim to anybody
12 else to pursue on her behalf.

13 Lastly, the Illinois Survivor's Act makes
14 it very clear that this type of action doesn't
15 survive the death of the person bringing the claim.

16 So for all of those factors, as well as
17 the fact that this money, if it were granted, would
18 have been to be paid to a Special Needs trust and
19 the trust provided that nobody who was born more
20 than a day before this applicant could receive the
21 benefit, so there would be nobody the Fund would be
22 able to pay the benefits to that is connected with
23 this woman. In other words, she didn't have
24 children that we could pay the benefit to if

1 granted. That leads us to believe and to recommend
2 to you that this claim has abated and that the
3 family should be notified of this decision of the
4 Board as a final action and they will have the
5 right to take it up on appeal to the Circuit Court
6 of Cook County, if they feel like they want to
7 appeal our decision. That is our recommendation
8 from a legal perspective.

9 MEMBER MURPHY: Motion to follow
10 counsel's recommendation in this matter.

11 MEMBER MURPHY: Second.

12 CHAIRMAN FORTUNA: Motion by Trustee
13 Martin. Seconded by Trustee Murphy.

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 Martin

22 MEMBER MARTIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Tebbens.

24 MEMBER TEBBENS: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Mr. President, I'd like
4 to move to Number 5. I would like to make a motion
5 to approve the Board Physician's Reviews of
6 Disability Recipients.

7 MEMBER MARTIN: Second.

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

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 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: Mr. President, I would
24 like to move on to 6, Investments, and I'd like to

1 turn this over to Lorna for now and have Trustee
2 Martin jump in with Lorna.

3 MS. SCOTT: My thought is that I would
4 table most of my report to the Investment Committee
5 meeting and just jump right down to the motion that
6 I need from this meeting. Does that sound good?

7 CHAIRMAN FORTUNA: Yes.

8 MS. SCOTT: The motion I need, looking at
9 the rebalancing template, Jackie is going to need
10 \$16 and a half million to cover operations this
11 month.

12 This is the allocations as of January
13 22nd. If you look down, we have cash in our
14 investment account of \$14 million. Jackie needs
15 \$16 and a half million.

16 So the recommendation is to use most of
17 that cash and to raise an additional \$3 million.
18 The plan is to take \$2 million from Keeley, which
19 is a small cap manager. What that does is reduce
20 our overweight to small cap just a little bit. And
21 then also take \$1 million from Ernest, which is a
22 fixed income manager. We are underweight here but
23 Ernest has cash available.

24 The idea is given the volatility in the

1 market just to go ahead and use the cash that we
2 have as opposed to do more trading.

3 If we look at the variance, again, these
4 targets have been updated for the new model that
5 was approved in December. So we're off target just
6 by definition of the model changing. But at the
7 same time, it's going to take a couple of RFPs to
8 get us closer to target. But in the interim, we
9 can balance towards the new target as there are
10 cash raises.

11 We are still overweight in public
12 equities, underweight private. So that is a total
13 overweight to equities offset by under target to
14 real assets and fixed income.

15 I am looking for a motion to raise up to
16 \$3 million as indicated on the rebalancing
17 template.

18 MEMBER MURPHY: Mr. President, I would
19 like to make a motion as recommended.

20 MEMBER SHERIDAN: Second.

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

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 Martin

7 MEMBER MARTIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MS. SCOTT: That is all the motions for
13 investments and so I can hold off on my report.

14 There are a lot of good charts in here,
15 if you ask me when there is more time.

16 MEMBER MARTIN: Is Jackie on? Does she
17 want to say anything today?

18 MS. VLAHOS: For the investments, I am
19 just hoping basically after this month it will be
20 the last drawdown we need. Basically due to timing
21 and after this we start getting our tax receipts
22 coming in. Hopefully, if they come in as they have
23 in the past years, we shouldn't have any other
24 drawdowns needed for the remainder of the year.

1 MS. BURNS: We can move on to the
2 administrative expenses.

3 MEMBER MURPHY: I'd like to make a motion
4 to approve administrative expenses as presented.

5 MEMBER SHERIDAN: Second.

6 CHAIRMAN FORTUNA: There's 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 Martin

16 MEMBER MARTIN: 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 on
22 to Number 8, the Budget Committee report. As of
23 now I don't know if anyone has anything to add in
24 addition to what was brought up in the Budget

1 Committee minutes, which was approved earlier. Are
2 there any additions?

3 MR. WELLER: Jackie and I are available
4 to address any questions, if there are any.

5 MEMBER MURPHY: There was one
6 recommendation from the Budget Committee meeting.
7 I'd like to make a motion to adopt that
8 recommendation to adopt the 2022 Budget as
9 proposed.

10 MEMBER TEBBENS: Second.

11 CHAIRMAN FORTUNA: Motion to adopt by
12 Trustee Murphy. Seconded by Trustee Tebbens.

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: 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.

1 Motion carries.

2 MEMBER MURPHY: Mr. President, moving to
3 the Executive Director's Report. Kelly, how much
4 time do you need?

5 MR. WELLER: I will go quick.

6 So with that, Mr. President wanted me to
7 express the 1099Rs for our Members will be going
8 out next week. We will be getting those out, that
9 is pending, that is just informational.

10 We have also put the Ethics Policy for
11 the FABF Board into BoardPaq. As part of that
12 Ethics Policy, there is an annual certification
13 that needs to be done. I will be working with each
14 of you to make sure that you acknowledge receipt.

15 CHAIRMAN FORTUNA: How many do we have?

16 MR. WELLER: Right now we have three in
17 and I will have two more by the end of this
18 meeting. The five that are present I will have and
19 I will work with the three who are remote to get
20 that done and report back to the Board when that is
21 completed.

22 We did have a discussion regarding the
23 term limit of our previous auditor. Through some
24 discussions with our previous auditor, we have

1 agreed to a one year term, which would have ended
2 for this year. It was recommended that we seek the
3 second RFP provider and to see if they can provide
4 the services for the second year of the audit.

5 We have done that. We secured Legacy
6 Professionals, LLC at the same rate and at the same
7 quote that they provided in their RFP.

8 Unless there is any objection that would
9 be raised by the Board, I would like to proceed
10 with signing those engagement letters and get the
11 audit started.

12 Is there anyone who disapproves?

13 MS. BURNS: Trustee Conyears-Ervin, are
14 you good with that? We had conversations and we
15 were very respectful to the vendors as you had
16 asked and they were very, very cooperative. Unless
17 you have questions, Kelly is going to execute the
18 new engagement letter.

19 MEMBER CONYEARS-ERVIN: Thank you all so
20 much. I don't have any questions or concerns. I
21 thank the team.

22 MR. WELLER: Thank you.

23 With that, Mr. President, the next order
24 in board packet is the certification of the

1 training for 2021. This letter will go on file as
2 public record. I have certified to you and you
3 have certified to the public that the Trustees have
4 met their annual training requirements for ethics.

5 CHAIRMAN FORTUNA: They are very
6 diligent.

7 MEMBER MURPHY: I would like to make a
8 motion to approve the indication of the Trustee
9 training for 2021 and direct the Executive Director
10 to take such action as required by law in relation
11 to that certification.

12 MEMBER TEBBENS: Second.

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

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Sheridan.

18 MEMBER SHERIDAN: Yes.

19 CHAIRMAN FORTUNA: Trustee
20 Conyears-Ervin.

21 MEMBER CONYEARS-ERVIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY:

5 MR. WELLER: Also, at the request of Mr.
6 President, I want to put on the agenda for approval
7 the list of approved ethics and training for 2022.

8 Most of these right now are showing to be
9 virtual but as the Omicron is beginning to I hope
10 subside some of these might become to attend
11 in-person again.

12 This is not meant to be an exhaustive
13 list. This is just meant to be a list that we will
14 add on and approve as new events appear. I would
15 like to ask for your approval.

16 CHAIRMAN FORTUNA: I know for a fact a
17 couple of NCPERS conferences have been moved to
18 virtual. I don't know if you have that.

19 MR. WELLER: I do have it noted, sir.

20 MEMBER MURPHY: Motion to approve the
21 revised list of Trustee education and training
22 opportunities pursuant to Section 1-150 of the
23 Pension Code and to approve the attendance of any
24 Trustee that attends an approved conference

1 consistent with the Board's travel reimbursement
2 policy.

3 MEMBER MARTIN: Second.

4 CHAIRMAN FORTUNA: Motion by Trustee
5 Murphy. Seconded by Trustee Martin.

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 Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

19 MR. WELLER: My last two items will go
20 pretty quickly. The legislature update from Phelps
21 and Barry is in BoardPaq as well.

22 We have three pieces of legislation that
23 potentially could move for our consideration. You
24 can see that Phelps and Barry Legislative Report in

1 BoardPaq.

2 House Bill 3177, which essentially takes
3 back the refund language that was just passed out
4 of the Public Act that was last year acknowledging
5 that there was an error in LRB in drafting.

6 This Board has taken the position that it
7 is a reversal. Therefore, we don't have an opinion
8 on it but it has been brought up.

9 The second one is House Bill 4435, which
10 deals with MRSA, which is type of staph infection.

11 Again, I will provide more information,
12 if anybody wants more. Essentially, this just has
13 been introduced. We checked on the impact of this.
14 It will be virtually nominal so I think this Board
15 has been conveyed to me as neutral on the impact of
16 it. Just if it is necessary, it is necessary. The
17 legislature agrees with it. We don't have an
18 opinion.

19 MEMBER TEBBENS: This is presumptive for
20 65?

21 MR. WELLER: For that type of staph
22 infection that has been identified.

23 Finally, there is a bill that we are
24 watching that affects the Laborers which has to do

1 with the proxy.

2 CHAIRMAN FORTUNA: Would you explain that
3 one for me?

4 MR. WELLER: The City officials, who
5 serve on multiple boards, on some of the other
6 boards there is language that allows them to use a
7 proxy rather than to attend in-person.

8 The Laborer's are looking at their proxy
9 language as it pertains to the Treasurer. We have
10 looked at it. We don't have any opinion on it at
11 this board. I wanted to make you aware that that
12 is a conversation being had across the four City
13 funds, with the Trustees that serve on multiple
14 boards. It has been introduced into Senate Bill
15 2952.

16 MS. BURNS: Currently, the Municipal Fund
17 allows for a proxy. Laborers is trying to achieve
18 that option for their fund as well.

19 MEMBER TEBBENS: We don't have an
20 opinion?

21 MS. BURNS: We are not taking a position
22 on that, that is our recommendation.

23 If the Treasurer wants that, I am sure we
24 can talk about that.

1 MR. WELLER: At this point, I just wanted
2 the Board to be aware it is out there and there is
3 a conversation.

4 MEMBER TEBBENS: They don't have to
5 attend a meeting, to give their votes to another
6 Trustee?

7 MS. BURNS: Not to another Trustee, you
8 can never do that. They designate an individual,
9 at Municipal, Mr. Slack, the Deputy Treasurer, is
10 designated to sit for the Treasurer on the rare
11 occasion when she's not able to attend the meeting.
12 Mr. Slack can vote for the Treasurer.

13 That is a common practice. If it passes,
14 which I think it will, then we can look at what the
15 Board wants to do.

16 MR. WELLER: The President has asked me
17 where there is an overlapping City Council meeting
18 to look at ways to try to move our meeting
19 accordingly.

20 The Council has nicely posted the next
21 six months of meeting. This one was the only one
22 that overlaps until July.

23 I will come back with some conversation
24 about our recommendation for July and August, if

1 there is overlap there, which we anticipate there
2 will be.

3 It is very difficult for us to move off
4 of the third Wednesday to a Tuesday or Thursday,
5 because the other City plans box those days out.

6 CHAIRMAN FORTUNA: So everyone
7 understands, explain how they have their structure.

8 MR. WELLER: Because we have Trustees
9 that sit on multiple boards, and all of us post in
10 advance and all of us has had a tradition of having
11 these meetings on certain days, it becomes
12 difficult for us to have to move off a Wednesday.
13 Tuesdays and Thursdays for the most part are
14 blocked by the other boards.

15 For us our options are to move up, which
16 we have done. And we can see why that is relevant
17 on a day like today where there are issues to get
18 done in a short amount of time. Or, we can look at
19 perhaps meeting on a Monday or Friday.

20 I will work with Mr. President on the two
21 dates I know will be affected. We should not be
22 affected at least until July, unless something
23 changes.

24 With that, if there is no objection, I

1 will go back to the 8:30 start time. Is that
2 acceptable to everyone?

3 CHAIRMAN FORTUNA: Okay.

4 MR. WELLER: Where we have an overlap
5 that we can't move, we will continue with the eight
6 o'clock start time to accommodate the agenda that
7 we anticipate having over those meetings.

8 CHAIRMAN FORTUNA: Okay.

9 MR. WELLER: Mr. President, that
10 concludes my report.

11 MEMBER MURPHY: Motion to accept the
12 Executive Director's report.

13 MEMBER MARTIN: Second.

14 CHAIRMAN FORTUNA? Motion to accept 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 Martin

24 MEMBER MARTIN: 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 the next
6 item Legal Update. Counsel, would you please take
7 it away?

8 MS. BURNS: I am happy to report there is
9 nothing new to report. You have the case update.
10 There is one legal matter that I'd like to discuss
11 with the Trustees, if you are so inclined, and for
12 that I would recommend that we proceed in closed
13 session pursuant to Section 2(c)11 of the Open
14 Meetings Act as it may involve potential
15 litigation.

16 MEMBER MURPHY: Motion to go into closed
17 session as per counsel's advice.

18 MEMBER SHERIDAN: Second.

19 CHAIRMAN FORTUNA: Motion to go into
20 closed session by Trustee Murphy. Seconded by
21 Trustee 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 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 (Whereupon, the Board went into

12 Executive Session off the record.

13 No action was taken in Executive

14 Session.)

15 MEMBER MURPHY: Mr. President, do we have

16 any old business or new business?

17 Hearing none, I'd like to make a motion

18 to adjourn today's meeting.

19 MEMBER SHERIDAN: Second.

20 CHAIRMAN FORTUNA: Motion by Trustee

21 Murphy. Seconded by Trustee Sheridan.

22 All in favor?

23 (Chorus of ayes.)

24 CHAIRMAN FORTUNA: Opposed?

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Hearing none, motion carries.

Thank you.

(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
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
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RESHMA SONI, City Comptroller

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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
BRADY O'CONNELL, Callan Associates

1 MEMBER MARTIN: I hereby convene the
2 Investment Committee for February 15, 2022.

3 Lorna, please call the roll.

4 MS. SCOTT: Trustee Martin.

5 MEMBER MARTIN: Here.

6 MS. SCOTT: Trustee Fortuna.

7 MEMBER FORTUNA: Here.

8 MS. SCOTT: Trustee Murphy.

9 MEMBER MURPHY: Here.

10 MS. BOECKMAN: You have a quorum.

11 MS. SCOTT: I'd like to acknowledge that
12 Trustee Sheridan appears to be here.

13 Trustee Sheridan, for the record, would
14 you like to say that you are present?

15 MEMBER SHERIDAN: I am here.

16 MS. SCOTT: Thank you. Always happy to
17 have non-committee members attend.

18 MEMBER MARTIN: Public Act 101-0640 and
19 the Governor's recent Disaster Proclamation dated
20 February 4, 2022 allows this meeting to be
21 conducted by audio and video conference. The Act
22 requires a roll call vote on each matter acted
23 upon. We are proceeding by videoconference because
24 we continue to believe that due to the pandemic it

1 is prudent to not be physically present in the same
2 space. We have posted notice of this meeting in
3 accordance with the Open Meetings Act and the
4 meeting is being recorded. A transcript of the
5 proceedings will be prepared and ultimately, after
6 approval, will be made available on the Fund's
7 website.

8 I'd like to now turn this over to Lorna
9 to proceed through our agenda.

10 MS. SCOTT: The first item is the MWDBE
11 brokerage report. Before we look at our minority
12 brokerage utilization, this first slide looks at
13 total brokerage and some other trading
14 characteristics of our managers.

15 This table is a reminder that brokerage
16 is an expense. It is actually cash paid to our
17 counterparties to execute trades. It is really
18 important to monitor how much our managers are
19 incurring and how much trading they are actually
20 doing.

21 Looking at this table, a couple of
22 highlights. We can see that total commissions in
23 2021 actually decreased compared to 2020 and 2019.
24 That is primarily due to the fact that we only had

1 one manager transition in 2021. If you recall, we
2 did sell out of Wells and got into Rhumblin so
3 there was a little bit of commissions incurred
4 there compared to the trading that we did in 2020
5 with Brown being hired.

6 We have a reduction in commissions just
7 due to fewer portfolio changes and also keep in
8 mind in 2021 we didn't have to sell as many assets
9 to raise cash for benefit benefits so that also
10 reduced our trading.

11 Just operations in general reduced
12 trading, which probably lead to a reduction in
13 expenses.

14 Looking at our turnover, we are
15 definitely a low turnover portfolio. Most of our
16 managers are just buying and selling. They are
17 buying and holding their positions as opposed to
18 turning and selling their portfolio.

19 Looking at this table, we can see Mellon
20 is one of our higher turnover managers, Globeflex
21 and Kennedy.

22 On a cost per share basis, we really look
23 for the one or two cents in execution. We are
24 seeing that in the large cap managers. Anybody who

1 is spending more than one or two cents in execution
2 is receiving research as well as execution. That's
3 causing a little bit of higher trades or higher
4 commissions.

5 Generally, our managers don't trade a lot
6 and we don't incur a lot in commissions.

7 Now let's move to MWDBE utilization. Our
8 goal is 22 percent and in 2021 our managers on a
9 total fund allocation basis allocated 40.9 percent
10 to minority brokers. So overall the Fund achieved
11 its goal and it surpassed prior years.

12 Looking at this, some of our managers did
13 not achieve that 22 percent. We have got Mellon,
14 who was a lagger, and Jackson Square and Brown
15 Capital.

16 I asked each one of these managers to
17 comment on why they failed to achieve the
18 utilization.

19 According to Mellon, they primarily
20 attributed their lack of achievement to the market
21 environment. They said they will continue to work
22 towards that goal.

23 Jackson Square primarily runs a very
24 concentrated portfolio with a higher AUM. So they

1 said they will continue to seek liquidity wherever
2 they can find it but no promises on achieving with
3 MWDBE brokers. They say they try very hard. For
4 the most part, it is the bigger brokers that kind
5 of accommodate them.

6 Lastly, we have Brown Capital, who said
7 it is really due to low turnover in their
8 portfolio. So given the recent market and the
9 higher volatility, they went with wherever they
10 could find the flow and that wasn't with the
11 minority brokers, but they will work and make sure
12 they make it up in 2022.

13 Our next slide is fixed income. Our goal
14 is 12 percent. In 2021, our managers in aggregate
15 achieved a 42.9 percent, that surpassed our goal.

16 There is only one manager who did not
17 achieve this goal and that is Loomis. We have
18 heard from Loomis before. I did ask Loomis to
19 comment. They said they will continue to seek out
20 opportunities to utilize minority brokers but
21 something we will have to continue to monitor.

22 That is our MWDBE utilization for 2022.
23 Our recommendation is to not change our goals.
24 These targets are challenging for some of our

1 managers and other managers aren't using our goals
2 as maximums. They continue to push beyond our
3 goal. Our current goals are really a nice balance
4 between a goal that is achievable for some
5 strategies and a goal that is a stretch goal for
6 other strategies.

7 I will pause for any comments.

8 MEMBER MARTIN: Trustee Soni has joined
9 the meeting. Trustee Soni, will be marked as
10 present.

11 MS. SCOTT: Moving on to the next slide,
12 which is our Investment Policy Statement. I do
13 have a few changes to the Investment Policy
14 Statement to summarize on this slide. There are
15 really three categories.

16 The biggest change is the update to the
17 asset allocation model that was approved at
18 December's board meeting.

19 Secondly, I am reorganizing the document
20 a little bit.

21 Thirdly, there are some minor edits and
22 clarifications.

23 What I'd like to do is just page through
24 and kind of highlight these changes.

1 That is a date change. This is the
2 reorganization. Here it looks like a lot of red
3 but what I really want to do is make this
4 Definitions and Conclusions to be the last item on
5 the Table of Contents. So these items right here
6 are just getting shifted up.

7 Paging through, clarification here, the
8 Board that conducts the searches, adding in the
9 Board. Providing education to the Investment
10 Committee and to the Board. Again, these are just
11 minor clarifications, minor edits. This part of
12 that reorganization. I have shifted these
13 categories to different pieces. This is a
14 clarification.

15 We do our allocations here by manager
16 type not by the underlying holdings so I struck
17 that language.

18 This is the big one where I am taking
19 away the old asset allocation model and adding in
20 the new one.

21 Minor edits and clarifications.

22 This is part of that reorganization that
23 was below the Conclusions. I am adding it up here.

24 This one is a clarification

1 simplification. Here the policy is that if a
2 manager deviates from its guidelines, they should
3 notify the Board, so I am simplifying it to just be
4 the policy. I am actually removing all the extra
5 language on how they should notify and when they
6 should notify. The main point here is that if a
7 manager deviates from the policy, they must report
8 the deviation, and I am just removing the extra
9 language.

10 I think the rest of these are just minor
11 reorganizations and clarifications. We can see
12 this is all the sections that are getting moved
13 around at the end.

14 With that, I will pause for any
15 questions. Otherwise, I will be looking for a
16 motion to recommend to the Board to approve the
17 revised Statement of Investment Policy.

18 MEMBER MARTIN: I have had the
19 opportunity to review these with Fund counsel and
20 our Chief Investment Officer.

21 MEMBER MURPHY: I will make the motion.

22 MEMBER SONI: Second.

23 MEMBER MARTIN: Motion by Trustee Murphy.
24 Seconded by Trustee Soni.

1 Roll call vote. Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 MEMBER MARTIN: Trustee Fortuna.

4 MEMBER FORTUNA: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 MEMBER MARTIN: I vote yes.

8 Motion carries so it will be recommended
9 to the Board tomorrow.

10 The next item, Lorna.

11 MS. SCOTT: The Infrastructure RFP.

12 Brady, did you want to walk us through
13 this?

14 MR. O'CONNELL: Sure. Good morning,
15 everyone.

16 Lorna just touched on some of the major
17 changes that were included in the IPS, which is
18 really one of the most important guiding documents
19 of the investment program.

20 As a result of the Asset Liability Study
21 that we conducted last year, we made a couple of
22 additions from an asset class perspective to the
23 target strategy that is now included in that IPS.

24 One of those is the introduction of a new

1 asset class infrastructure. We adopted a 3 percent
2 target and we would like to propose a RFP in order
3 to find managers to implement that position on our
4 behalf.

5 As the summary page here indicates, that
6 is about \$32 million. We will be looking for what
7 we call private or unlisted open-end infrastructure
8 funds. These will function similar in operations
9 to the open-end core funds that we have. There is
10 some slight differences that we will tease out for
11 you throughout the evaluation process.

12 Basically, it is an ongoing fund. Once
13 we commit capital into it, they will return income
14 to us over time and then we will also experience
15 the appreciation of the underlying assets.

16 Callan's research specialists will be
17 involved. They have identified some of these
18 attributes that are ideal for managers, including a
19 minimum fund size of \$2 billion. Infrastructure
20 assets are very large so we want to make sure any
21 fund has a big enough scale to buy assets and
22 diversify their portfolio.

23 We won't be looking at fund-to-fund
24 products. We won't look at anything that is sector

1 specific so we want it to be well diversified
2 across a lot of different type of infrastructure
3 investments.

4 Then we have also established a set of
5 minimum criteria or requirements. We need somebody
6 that is registered. These are all consistent with
7 minimum requirements we have established for
8 searches in the past. They need to be a fiduciary
9 to the Board and to the Fund. We're looking for a
10 three year track record and at least \$2 billion as
11 I mentioned.

12 As we have done before, those
13 requirements will be relaxed if a firm can
14 demonstrate that they are MWDBE.

15 We do not anticipate any of those
16 responding just based on our knowledge of the
17 marketplace. It is fairly small and all the
18 managers in this space are part of larger
19 investment organizations. So we don't anticipate
20 getting a ton of participation from small or
21 diverse owned firms but we are certainly open to
22 consider those as we have done with RFPs in the
23 past.

24 And then, lastly, any manager that is

1 selected, we don't want to be more than 20 percent
2 of their portfolio and they will have to adhere to
3 all the policies and requirements, including some
4 of those that we heard earlier today just like all
5 the other managers that work on behalf of the FABF.

6 Our goal would be to issue the RFP upon
7 approval by the Committee and ultimately the Board.
8 So we'd like to issue this tomorrow. Managers will
9 be asked to submit by April 1st and then as we have
10 done these searches in the past, Lorna and I will
11 work with Callan's research time to evaluate all
12 the RFP responses that have interested managers
13 that submit. We will narrow that list down to a
14 subset that will come in to make presentations to
15 the Investment Committee. And then we would
16 ultimately like to have you select the manager or
17 managers and then work on getting our capital
18 allocated whenever contracting and all the
19 paperwork is complete and the manager is willing
20 and able to take capital.

21 Like real estate, sometimes there can be
22 what we call entry and exit queues so people lining
23 up to contribute money, the manager doesn't take
24 that until they have identified assets.

1 As part of the search process, we'll also
2 spend a little time understanding which managers
3 have effectively lines to get in and we will make
4 sure we all understand the flip side of that.
5 Which is when people want to redeem money, the
6 process that is involved in getting our capital
7 back out.

8 So that is the RFP summary. Happy to
9 entertain any questions about it.

10 MEMBER MARTIN: Is this universe large
11 enough to get a pretty diverse or large response
12 from the investment community?

13 MR. O'CONNELL: We think there are some
14 strong candidates out there. The number of
15 responses we anticipate is probably somewhere
16 between 9 and 15.

17 This is a space similar to core real
18 estate where there is not a ton of firms. When we
19 have done searches in more conventional asset
20 classes, like international small cap, we do expect
21 to receive sometimes 20, 30 or 40 RFP responses.

22 Here the universe of products is rather
23 small, that's due to the fact that it is a fairly
24 specialized asset class. Also, it is a fairly new

1 asset class so that is one of the reasons why we
2 are adding it now. There is not a lot of products
3 in the marketplace. So I would suspect we will get
4 kind of high single digits, maybe 10 or 12
5 responses. So there won't be as many as we have
6 seen in searches for maybe the traditional stock or
7 bond managers.

8 MEMBER MARTIN: Since it is such a small
9 universe, are you going to reach out to some of
10 these managers to advise them or encourage them to
11 respond?

12 MR. O'CONNELL: That is correct. The
13 practice has been when we have issued RFPs on your
14 behalf is to post it on Callan's website and also
15 proactively reach out to managers that we think
16 have a strong product offering to make sure that
17 they are aware that the RFP is here and encourage
18 them to respond.

19 Two, we also reach out to any diverse or
20 female owned firms to make sure they are aware of
21 the opportunity and that they respond.

22 We plan to do that in this case. And,
23 again, based on preliminary indications talking to
24 our infrastructure specialists, in the open-end

1 core infrastructure space, there is not female or
2 diverse owned firms that we are aware of but we
3 will take another hard look. We also fully
4 encourage responses from those managers even if
5 they don't satisfy some of these minimum
6 requirements that are illustrated here.

7 MEMBER MARTIN: Are there any other
8 questions?

9 If there are no other questions, I'd like
10 a motion to recommend to the full board tomorrow to
11 issue the RFP on infrastructure.

12 MEMBER MURPHY: I will make the motion.

13 MEMBER FORTUNA: Second.

14 MEMBER MARTIN: Seconded by Trustee
15 Fortuna.

16 On the vote, Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 MEMBER MARTIN: Trustee Soni.

19 MEMBER SONI: Yes.

20 MEMBER MARTIN: Trustee Fortuna.

21 MEMBER FORTUNA: Yes.

22 MEMBER MARTIN: I am a yes.

23 Motion carries. Tomorrow we will
24 recommend to the full board to approve the issuance

1 of that infrastructure RFP.

2 Moving on to the next item on the agenda,
3 Lorna.

4 MS. SCOTT: It is the Investment report.
5 Actually, I will have Brady continue to talk about
6 the fourth quarter review.

7 MR. O'CONNELL: I would just like to
8 maybe make six or seven high level observations
9 about the fourth quarter.

10 Markets have turned a little bit south as
11 we have heard from Lorna in the report on January.
12 Kind of subsequent to fourth quarter. But I think
13 it is always good to go through these quarterly
14 reports and understand how the portfolio performed
15 and what things we're looking out for.

16 Just kind of going back in time a little
17 bit, the fourth quarter of 2021 was a good one from
18 a risky asset standpoint. As we show here in these
19 bar charts, the bars on the left were up fairly big
20 for the quarter. So that is the S&P 500 and the
21 Russell 1000 Growth up over 11 percent. So the
22 fourth quarter was a strong quarter for equities.

23 If you look at the trailing year, so all
24 of 2021, we had equities up over 20 percent.

1 Extraordinarily favorable results from the equity
2 markets.

3 The flip side of that is bond markets.
4 Bonds for the fourth quarter, you can't even see
5 the bar, it is flat at 0.0 for the Bloomberg
6 aggregate and for the trailing year bonds were down
7 about 1 and a half percent.

8 We saw interest rates come up a little
9 bit and that always has a negative performance
10 impact on bonds.

11 The backdrop was big strong results in
12 equities. Growth outperforming value and
13 importantly small underperforming large cap.

14 As I will show you in a second, that had
15 a bit of an adverse impact on our results during
16 the fourth quarter.

17 Flip forward and give you a sense of just
18 how the portfolio performed during the fourth
19 quarter. We were up 3.57 percent on a gross of
20 fees basis. That was about 1.1 percentage points
21 behind the policy target so we had some
22 underperformance. Compared to other public pension
23 plans, we were right at the bottom of the third
24 quartile.

1 I think compared to what we have seen in
2 the past, compared to what we expect going forward,
3 this was a disappointing quarter. So we
4 underperformed and we ranked below the median of
5 the peer universe.

6 The good news is these quarterly
7 observations flip around a lot more frequently than
8 do the longer term and the longer term results are
9 still favorable on a number of different levels.

10 If you look at that ten year column,
11 we're looking at an annualized return of 10.68
12 percent, which was ahead of the target policy of
13 9.88. That return had us in the top quartile of
14 public pension plans.

15 A bit of a disappointing quarter, but we
16 don't expect this portfolio to outperform every
17 single quarter. We are looking for the long-term
18 trends.

19 Just to unpack what happened during the
20 quarter, we show these attribution charts down here
21 at the bottom.

22 Really the story was this negative 1.10
23 underperformance from active managers particularly
24 in equities. You can see domestic equity at

1 negative 0.84. These numbers total to the combined
2 impact of active management decisions. In
3 aggregate for the plan, those were negative during
4 the quarter. I will make a few observations on
5 some of the managers that we're looking at more
6 specifically.

7 Before I touch on the managers, there is
8 one other point that is worth emphasizing as we
9 review the structure of the FABF domestic equity
10 portfolio.

11 So, Trustee Martin, this is something you
12 and I have discussed. We talked about it with
13 Lorna as well.

14 The Fund historically has had an
15 overweight allocation to small and mid-cap,
16 including microcap.

17 This exhibit at the top of Page 10 of our
18 report just tries to plot this on what we call a
19 style chart or a style map. Where we plot from a
20 style standpoint as well as a capital standpoint,
21 where the Russell 3000 index is, which is a broad
22 measure of the U.S. stock market, and that is the
23 green bar. And then we plot where our combined
24 domestic equity portfolio is. You can see that

1 when we add up all the holdings across all the
2 managers, we wind up more as a mid-cap manager.
3 That is because we have a higher allocation and we
4 put some numbers behind this in this complicated
5 table at the bottom.

6 We have got about 45, 46 percent in large
7 cap holdings. The index has about 78 percent.

8 Where we are underweight to large cap, we
9 are overweight to mid, small and micro.

10 Over long periods of time, we think that
11 is still a good way to add value. In periods like
12 the fourth quarter, where I mentioned large cap
13 outperformed small, that had a negative impact on
14 our results.

15 This is one thing that we will be
16 revisiting as part of just a re-evaluation of U.S.
17 equity strategy. Just making sure we understand
18 this and confirming we want to continue with this
19 strategy or adopt one that is more like the market.

20 I will pause there before touching on
21 maybe four managers that we think require kind of a
22 direct comment this morning.

23 All right. Let's touch on some of the
24 managers. One that I'd like to touch on first is

1 Brown Advisory. This is a large cap growth
2 manager. This is one where Lorna in particular and
3 myself to a lesser extent have had a number of
4 conversations with them of late.

5 You can see their portfolio. It was
6 still positive in the fourth quarter but behind the
7 benchmark, the Russell 1000 Growth. So this is a
8 manager who tries to invest in securities in the
9 large cap growth space. They had a difficult
10 quarter. For the year, they are still behind the
11 benchmark by a fairly wide margin. They have got a
12 distinct approach to portfolio construction which
13 is causing them to lag. So they have decided that
14 in order to maintain diversified portfolios, they
15 will not allocate more than 5 percentage points of
16 the portfolio to any one security.

17 But the Russell 1000 Growth now is
18 dominated by technology and telecom type names. In
19 fact, Apple is the biggest holding in that index
20 and it is now around 11 or 12 percent of that
21 particular index.

22 So the manager says we're not going to
23 hold more than 5 percent in any single security but
24 the benchmark has 11 percent in Apple alone.

1 Brown is underweight to a lot of these
2 big tech names and when they have rallied the
3 manager has lagged. They have got a corresponding
4 overweight to mid-cap so those factors have caused
5 the manager to underperform a bit.

6 We have had a number of conversations
7 with them about this. I think as you see names
8 like Apple, they don't hold any allocation to
9 Tesla, as these names experience big gains the
10 manager by nature will underperform. So really
11 they have struggled as a result more of what they
12 don't own rather than what they do own. That is a
13 manager that we are keeping an eye on. They
14 haven't made any changes. There has been no
15 changes in personnel that are significant. There's
16 been no changes in style. These portfolio
17 construction attributes that they have are not new.
18 It's just the benchmark has shifted and the market
19 has become even more concentrated. And like most
20 managers, they claim that the market will be
21 eventually be proven wrong and their diversified
22 approach to portfolio construction will be proven
23 correct. That is something we will be watching
24 very closely.

1 Just the flip side of that on the large
2 cap value side, we have got Mellon Investments
3 here. Just an administrative update for the
4 Committee. This is the organization that used to
5 be known as the Boston Company. They are part of
6 the BNY Mellon Asset Management. And BNY Mellon
7 recently reorganized some of the boutique
8 investment firms under their umbrella. It is now
9 called Mellon Investments. I think in the coming
10 quarter you may even see it as Newton going
11 forward.

12 It is the same team in place and they
13 have managed to post some pretty strong
14 outperformance during this same period of time.

15 I'd like to touch quickly on the
16 watchlist managers and then maybe open it up for
17 questions.

18 Globeflex is one of those. You can see
19 Globeflex, the small mid portfolio, for the fourth
20 quarter was up over 11 percentage points. Well
21 ahead of the benchmark that was up 0.20 percent.
22 That strong fourth quarter contributed to a strong
23 year so they are up over 33 percent while the
24 benchmark was up over 5.

1 Really a strong rebound in performance
2 because the longer term track record here is still
3 behind the benchmark. They have still got some
4 ground to make up.

5 But the fourth quarter has reiterated
6 some of the reasons that we have the number of
7 managers that we do. If you look just above
8 Globeflex, who is on the watch list, we have
9 Jackson Square who is not. Jackson Square coming
10 into 2021 was really kind of a performance super
11 start. They had exceeded their benchmark
12 consistently. They ranked well ahead of peers
13 regularly. And then they came into a period of
14 underperformance and that is illustrated here.

15 We have got one SMID growth manager who
16 is underperforming and we have got Globeflex who
17 has a different approach to that same style and
18 capitalization who has been able to do better to
19 compensate for that.

20 We will continue to keep an eye on
21 Globeflex but we are certainly encouraged that we
22 saw a rebound in performance.

23 Keeley Teton is another manager on the
24 watchlist. Some slight underperformance here but

1 nothing major to report. This is a manager who
2 kind of earns their value added in kind of big
3 chunks over time.

4 Lastly, the third watchlist manager is
5 Kennedy Capital. You may recall we provided the
6 Committee or the Board an update on some portfolio
7 manager changes that were made midway through last
8 year. They made some subsequent changes to the
9 microcap portfolio. The early results of that are
10 very encouraging. So they are up 9 percentage
11 points for the fourth quarter. Ahead of the
12 Russell Microcap Index which was down over 2
13 percent. The new people in place have added value.
14 They have changed the portfolio around. The
15 results look encouraging but it is still a fairly
16 short period of time. It is just six months under
17 this new approach.

18 Those are some of the things that we are
19 watching. I will pause and see if there are any
20 questions from the Committee about the managers or
21 any other aspects of the investment program.

22 MS. SCOTT: Brady, do you want to touch
23 on the next item which is the annual conference?
24 Do you want to highlight that?

1 MR. O'CONNELL: Thank you, Lorna.

2 We have provided an invitation to
3 Callan's annual conference that is taking place
4 April 25th through 27th at The Palace Hotel in San
5 Francisco.

6 As all our events are, it is educational
7 and focused, including a number of speakers that
8 address topics of broad interest to the investment
9 world as well as more sessions more tailored to
10 your particular specific portfolio.

11 We are encouraged to be able to continue
12 to offer in-person events. So, if the Board or the
13 Committee are interested, we would love to host you
14 at that event in April.

15 MEMBER MARTIN: Thank you.

16 MS. SCOTT: Next the manager update.

17 MR. O'CONNELL: More of an informational
18 item. PIMCO is the sole manager of the commodity
19 allocation. This is an announcement from our
20 research team about the retirement of Nick Johnson
21 who is a named Portfolio Manager on that account.

22 PIMCO as an organization does tend to
23 have higher than average turnover. But the good
24 news is they attract a lot of talent and they have

1 got a lot of redundancies built into the manager of
2 portfolios.

3 So while Nick Johnson is retiring, they
4 do have capable people taking over and we're
5 comfortable continuing to maintain the investment
6 in the PIMCO commodity strategy despite this
7 impending change. More of an informational item
8 for the Committee.

9 MS. SCOTT: There are a couple of reports
10 from the January report that I wanted to touch on
11 that I didn't get a chance to talk about at the
12 January meeting.

13 This first slide captures the dollar
14 change in the portfolio. It translates the 13.3
15 percent net return into dollar terms, which can
16 sometimes be a little bit more meaningful.

17 Looking at the 2021 column, we started
18 the year with \$921 million. Throughout the year we
19 received contributions and we paid benefits. It
20 resulted in a net addition to the investment
21 account of \$19.6 million.

22 So this is funds flowing into the
23 investment account. This is a huge difference
24 compared to prior years where we were always

1 selling assets and transferring money to the
2 operating account to pay benefit payments. This
3 year was a big exception in that we received money
4 and it was a positive contribution in.

5 Then we had gross earnings around 14 and
6 a half percent, which translates to \$134 million.
7 We paid fees of around \$5.6 million, which resulted
8 in a net increase from investment earnings of \$128
9 million.

10 Contributions, plus earnings, is a net
11 increase of \$147 million for the year. It was a
12 very, very strong year.

13 The other report I wanted to touch on was
14 the private market cash flows given the 2021
15 underperformance and some of that was due to being
16 unallocated to private equity.

17 This slide shows cash flows from private
18 market investments for 2021. You are seeing an
19 increase in capital calls, that was about \$6.9
20 million. That was offset with distributions of
21 around 4.7, which was a net cash outflow for
22 private equity of \$2.17 million.

23 Again, unfunded commitments for \$46.3
24 million. Again, highlighting that we have funds

1 allocated to private equity. We're just waiting
2 for that cash to be called in and invested. It is
3 a reminder that capital can be called, like it was
4 in 2021, but that is offset against distributions.
5 We have an increase to our allocation coming here,
6 which turns around and is offset by distributions
7 which decrease our allocation.

8 This next slide provides a little more
9 detail on our private market investments.
10 Specifically, these are our closed in funds and
11 that is capital that is locked up.

12 Here I am showing the Fund's commitments,
13 the unfunded amount, and this is the ratio of how
14 much was drawn versus commitment.

15 If you draw this line at the older
16 vintages, you can see that looking at the PIC, the
17 PIC, the managers generally don't draw 100 percent
18 of the capital.

19 Looking at the new funds after 2012, you
20 see our capital is still starting to be drawn but
21 there are still a ways to go. Everybody is drawn,
22 except for Pomona X, which still hasn't called
23 anything yet.

24 Probably the more interesting ratio on

1 this page is this DPI, distribution of capital.
2 This is the ratio of how much cash we have received
3 in distributions over what we have contributed.

4 At minimum we want to get all of our
5 money back. So at minimum we are looking for at
6 least 100 percent. Anything over 100 percent.

7 Again, looking at our 2012 funds, you can
8 see we have really got some nice distributions
9 coming back. We received more than what we
10 contributed.

11 Adams V 2012, I expect to receive more
12 distributions from that fund. We should have that
13 one up above 100 percent. I am not expecting
14 Mesirov to get there and I am not expecting Apollo
15 to get there either but generally some really good
16 returns from our private market investments.

17 So this other report is class action
18 claims. This is a new report. Securities class
19 actions are another source of income for the Fund.
20 Really at this point we don't take a position. We
21 just participate in the settlements. How that
22 happens is Northern files on our behalf. They file
23 of course for a fee.

24 What happened in 2021, I was looking at

1 Northern's class action fees, and I noticed that
2 their processing fees didn't line up with our
3 custody contract. I was expecting \$5.00 minimum.
4 I was expecting a 2 percent max. I didn't see that
5 so I asked Northern about it.

6 Also within our contract, there is a
7 language that states that these fees may change
8 over time in response to increased costs.

9 Yes, Northern had increased costs and yet
10 they had increased their fees. As a gesture of
11 goodwill, they apologized for not telling me about
12 this increase and they refunded us some of those
13 fees back. They added a credit of \$3,500 to our
14 custody bill but the increase in processing fees
15 did go into effect on July 1st. That is new fees
16 being allocated to our account.

17 Looking at 2021, we collected \$62,000 in
18 class action settlements. Most of those were filed
19 by Northern but then there is this other category.
20 These are primarily antitrust class actions. These
21 are lawsuits not really associated with a specific
22 security but it is a lawsuit against a group.

23 For example, a group of counterparties
24 with some allocations with some antitrust behavior.

1 Like a price fixing or a rate fixing. An example
2 of that would be when all the headlines were rate
3 fixing from a few years ago.

4 Northern doesn't file these. That either
5 leaves me to file them or our managers to file
6 them.

7 This is where Robbins Geller really helps
8 out. As a reminder, Robbins Geller is a security
9 litigation firm that we hired back in 2018 to
10 provide us some free class action monitoring
11 reports. We didn't hire them to litigate. We
12 hired them to help us with monitoring.

13 So I do receive monthly reports from
14 them. I compare their report to what Northern has.
15 They basically do file everything but this is a
16 nice check.

17 What is more interesting on their report
18 are these antitrust class actions. This is where
19 again Northern doesn't file.

20 When I get this report, I look and I see
21 Mexican government bonds, that is something we
22 probably had exposure to.

23 I reached out to Western and Loomis, our
24 fixed income managers. Western provided me with

1 the transactions relevant to this class action and
2 I filed that paperwork. Loomis on the other hand
3 said they would file it for us. That is kind of
4 how I use this report.

5 The other thing that was interesting was
6 this Blue Cross Blue Shield class action and that
7 one I emailed over to Jackie and John to let them
8 know about in case that is something that we would
9 want to participate in at the fund level.

10 In summary, we don't take a position on
11 class actions at this point in time. We
12 participate in the settlements. Northern and the
13 managers and me, we all file where we can.

14 There could be a point where we would
15 want to litigate, i.e., if we had really large
16 losses. That is something that we would want to
17 think about how we would go about doing that.

18 I am thinking that maybe that I should
19 probably draft a security litigation policy to
20 provide some guidelines around when we would want
21 to litigate. That is something I am playing with
22 and there is more to come on this.

23 MEMBER MARTIN: I think we are going to
24 have to have discussions on that later. Thank you,

1 very much, Lorna.

2 MS. SCOTT: Moving on is the performance
3 report for January. So I am not going to spend a
4 lot of time on this because January is just one
5 month. Like Brady mentioned, it started off pretty
6 rough.

7 Looking at this page, there is one little
8 change here. On this first page, performance is
9 shown net of fees. That is net of manager fees and
10 net of operating fees.

11 Three years ago I worked with Matt Clark,
12 who was the Fund's Assistant Comptroller, to
13 establish a process where we would pay the manager
14 fees directly from the manager's account. By doing
15 so, we would be giving Northern the ability to
16 calculate an accurate net of fees performance.

17 That process was effective January 1st of
18 2019. Here it is three years later and I can now
19 provide Northern calculated net of fee returns up
20 to the three year period. The one and three year
21 numbers are exact. The five and ten year periods
22 are estimates. I had used 55 basis points a year.

23 Looking at this value add, you can see we
24 are not covering our fees for one, three and five

1 year periods.

2 This is something that Brady and I will
3 be looking into as we review the structure of our
4 equity and our fixed income investments.

5 If our active managers aren't
6 outperforming the index, maybe we shouldn't have
7 active managers in certain areas of the market. So
8 that is something we will be considering and more
9 to come on this.

10 So let's just look at January's
11 performance very quickly. This is the one month
12 return. One month return of the various asset
13 classes where we are invested. So, again, not a
14 very good start for the year at all. Commodities
15 is the only positive asset class up 8 percent.
16 U.S. equities as a whole underperformed the
17 non-U.S. Underperformed emerging markets.
18 Emerging markets is actually the standout in all
19 the equities. Even within U.S. equities, small cap
20 is still underperforming large cap. Then gross is
21 underperforming value.

22 In this market, how did the Fund do? The
23 Fund declined 4.9 percent underperforming its
24 benchmark which is down 3.6. This is

1 underperformance primarily due to the growth
2 allocations that we have in the portfolio and
3 underperformance by our growth managers. Longer
4 return numbers still remain pretty strong with the
5 Fund up 9.6 percent over ten years.

6 We look at our MWDBE allocation. Again,
7 no changes here.

8 The additional performance is for
9 reference. I will point out that our diversifying
10 funds did have positive performance in January. We
11 have positive performance in commodities, right
12 here, and then illiquid diversifying.

13 I will leave this other performance
14 information for reference.

15 Flipping to the last report. This is a
16 draft report of the manager fees that we paid in
17 2021. This table shows the total fees paid by
18 manager as a percentage of each manager's average
19 market value for the year.

20 Private equity fees appear to be pretty
21 high. That is because we pay fees on the
22 commitment amount and not on what is invested.
23 Those fees as a percentage will get lower over
24 time.

1 From a total fund perspective, we paid
2 about 60 basis points in management fees and that
3 is a favorable comparison to funds of about our
4 size. This is from Callan's 2021 Investment
5 Management Fee Survey where they paid 63 basis
6 points.

7 That is how we look compared to our
8 peers. The next question is how do our managers
9 look compared to their peers? Did we hire the most
10 expensive large growth manager?

11 The next couple of charts show that.
12 Again, this is using the Callan 2021 Investment
13 Manager Fee Survey report. I just charted our
14 managers.

15 The ideal spot is we want to be at the
16 bottom of these universe charts. We want to be
17 down with the cheaper managers. For the most part
18 we are there.

19 Brown is at the higher end and that will
20 be a discussion that we will have with them to see
21 if we can get lower fees from them.

22 Also interesting to note how much cheaper
23 the passive managers are compared to the active
24 managers, that is large cap.

1 Next chart is small cap. Generally, all
2 of our managers are down at the lower end.
3 Neuberger is not but Neuberger I have talked to
4 them in the past and they feel their fee is
5 justified. They are outperforming for us over the
6 long-term. But, again, having this kind of
7 information is worthy of a conversation again.

8 I think micro cap Kennedy may appear at
9 the high-end here but I think this is a small cap
10 universe and not a micro cap universe. It is a
11 small cap universe so I think the micro cap
12 universe Kennedy may appear a little bit lower. We
13 actually have a fee break with them right now as
14 well.

15 Our global ex.US managers, not bad.
16 These are a little high. I think that is a product
17 of the mandate size. Our mandate size is \$30
18 million. This universe is for mandates under \$100
19 million. So we don't have the fee break that would
20 show up in a \$100 million mandate. This is a
21 little bit skewed here.

22 I think LSV is also another manager that
23 has done well for us. They are a little bit on the
24 high end here.

1 Loomis appears to be a little bit high.
2 This universe was very interesting to have TIPPS
3 this wide. The more expensive managers are up here
4 as well. It must be the amount of active
5 management that someone is taking within that
6 universe.

7 The takeaway is we are monitoring these
8 fees and we do use the Callan survey to go back and
9 have conversations with our managers about the
10 level of fees that we are being charged.

11 Again, I pause for any questions or
12 comments. Otherwise, I will turn it over to
13 Trustee Martin.

14 MEMBER MARTIN: We will open it for
15 public comment.

16 MR. WELLER: If there is public comment,
17 please press star six to make yourself known.

18 MEMBER MARTIN: Given that there is no
19 public comments, we will move on.

20 Old Business/New Business. Is there any
21 old business to discuss today? Any new business?

22 MEMBER MURPHY: Motion to adjourn.

23 MEMBER FORTUNA: Second.

24 MEMBER MARTIN: All in favor?

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(Chorus of ayes.)

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

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

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

Debbie Tyrrell

DEBBIE TYRRELL, CSR
License No. 084-001078

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

IN THE MATTER OF)
MEETING NO. 1095)

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 February 16, 2022, commencing at the
hour of 8:30 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

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

1 CHAIRMAN FORTUNA: I hereby convene this
2 board meeting of the Trustees.

3 Secretary Murphy, please call the roll.

4 MEMBER MURPHY: Trustee Sheridan.

5 MEMBER SHERIDAN: Here.

6 MEMBER MURPHY: Trustee Tebbens.

7 MEMBER TEBBENS: Here.

8 MEMBER MURPHY: Trustee Martin

9 MEMBER MARTIN: Yes.

10 MEMBER MURPHY: Trustee Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Here.

12 MEMBER MURPHY: President Fortuna.

13 CHAIRMAN FORTUNA: Here.

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

18 Further consistent with Public Act
19 101-0640, for the record, I am physically present
20 at the Fund's office as is Secretary Murphy,
21 several Trustees and the Executive Director.

22 We have posted a notice of this meeting
23 in accordance with the Open Meetings Act and the
24 meeting is being recorded. A transcript of these

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

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

10 At this time are there any requests for
11 public comment?

12 MR. WELLER: Mr. President, if I may add,
13 if you would like to make public comment, please
14 press star nine and you will be recognized in the
15 order you wish to make comment. Again, press star
16 nine.

17 Mr. President, I do not see any.

18 CHAIRMAN FORTUNA: Hearing none, we are
19 going to move on. Mr. Secretary, please.

20 MEMBER TEBBENS: I'd like to make a
21 motion to go into Executive Session under the Open
22 Meetings Act Section 2(c)4 and 11 to discuss a
23 procedural issue.

24 MS. BURNS: There is no valid legal basis

1 to go into closed session under 2(c)4 or 11 for
2 procedural issues.

3 MEMBER TEBBENS: I would like to go into
4 Executive Session to talk about a procedural issue
5 and potential legal issue.

6 MS. BURNS: If I may, sir, that would be
7 against legal advice. There is no basis to go into
8 closed session at this time.

9 If you are talking about the Hesslau
10 matter, which is something that we discussed, when
11 that comes up on the agenda, then at that point
12 would be the appropriate time to go into closed
13 session. You can't just go into closed session for
14 procedural matters under the Open Meetings Act.

15 MEMBER TEBBENS: However that would need
16 to be done, I need to do that. I don't want to
17 compromise the case by accepting the minutes of the
18 the previous meeting.

19 MEMBER MURPHY: Okay, thank you.

20 Mr. President, I'd like to turn to the
21 Approval of Administrative Items on the agenda
22 Number A. Approval of regular audio meeting,
23 January 26, 2022, Board open and closed minutes,
24 Regular Audio Meeting transcript January 26, 2022

1 and the January 19, 2022 Budget hearing transcript.

2 I would like to make a motion to approve
3 the open and closed minutes for the January 26,
4 2022 board meeting and the audio transcript of that
5 meeting and the January 19, 2022 Budget Committee
6 meeting and keep those closed session minutes
7 closed.

8 MEMBER SHERIDAN: Second.

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

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: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Mr. President, I'd like
4 to acknowledge Trustees Soni is present for the
5 roll.

6 CHAIRMAN FORTUNA: Thank you.

7 MEMBER MURPHY: Moving on to Item B,
8 Minimum Formula Annuities and Earned Annuities. I
9 would like to make a motion to approve the Minimum
10 Formula Annuities starting with Member 13840 and
11 ending with Member 14515.

12 MEMBER MARTIN: Second.

13 CHAIRMAN FORTUNA: There is a motion by
14 Trustee Murphy. Seconded by Trustee Martin.

15 Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Sheridan.

18 MEMBER SHERIDAN: 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 Martin

1 MEMBER MARTIN: 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, there is
7 also one Earned Annuity this month. I would like
8 to make a motion to approve the Earned Annuity for
9 Member 16546.

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 MEMBER CONYEARS-ERVIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: Moving on to Item C,
5 Survivor's Annuities and Widow's Annuities. I
6 would like to make a motion to approve the Widow's
7 Annuities starting with Member 10215 through Member
8 10063.

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 Martin

22 MEMBER MARTIN: 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 D, I'd like
4 to make a motion to approve the Refunds for Member
5 15014 and Member 19902.
6 MEMBER SHERIDAN: Second.
7 CHAIRMAN FORTUNA: This 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
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: And I am a yes.
23 Motion carries.
24 MEMBER MURPHY: Moving on to Item E,

1 Death Benefits. I would like to make a motion to
2 approve the Death Benefits for Member 12362 through
3 Member 10063.

4 MEMBER CONYEARS-ERVIN: Second.

5 CHAIRMAN FORTUNA: There is a motion by
6 Trustee Murphy. Seconded by Trustee
7 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 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: Under F, Partial

24 Payments. I would like to make a motion to approve

1 the Partial Payments beginning with Member 14166
2 continuing through Member 07854.

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 Martin

17 MEMBER MARTIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: And I am a yes.

21 Motion carries.

22 MEMBER MURPHY: Under G, Benefit
23 Recalculations. There are several addendums to the
24 Board material for this month for recalculations

1 for the minimum widows and for the minimum retirees
2 due to an update in the Federal Register.

3 Having had an opportunity to review the
4 addendums, and based on staff's statement that all
5 the calculations are in accordance with the
6 provisions of Public Act 99-0506, I'd like to make
7 a motion to approve those calculations.

8 MEMBER MARTIN: Second.

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

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: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Moving on to, sir, under
3 Requests For Permission, there is one this month
4 for guardianship for Member 07567. I'd like to
5 make a motion to grant the guardianship to the
6 daughter of this Member, based on staff's
7 confirmation that all paperwork required by the
8 Fund has been received.

9 MEMBER SONI: Second.

10 CHAIRMAN FORTUNA: There is a motion 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 Martin

22 MEMBER MARTIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Tebbens.

24 MEMBER TEBBENS: Yes.

1 CHAIRMAN FORTUNA: And I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Mr. President, moving on
4 to Item I, Removals. I would like to make a
5 motion to approve the Removals starting with
6 Darlene Biniak and ending with Jaylen Edwards.

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 Martin

20 MEMBER MARTIN: 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 Item 3, Request for
2 Approval of Payments Pursuant to Administrative and
3 Court Orders. I would like to make a motion to
4 approve the QILDRO order listed in the docket for
5 Member 012956, based on staff's confirmation that
6 all the paperwork required by the Fund to process
7 said order has been received.

8 MEMBER SHERIDAN: Second.

9 CHAIRMAN FORTUNA: There is a motion 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
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: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Mr. President, moving on
3 to 4, under Hearings. I believe we have one Duty
4 Disability application. Is Vince available?

5 MS. BURNS: Yes.

6 MEMBER MURPHY: Vince, please take it
7 away.

8 MR. PINELLI: Is Lieutenant Marlon
9 Brandon on the line?

10 MR. WELLER: Mr. Brandon, if you are on
11 the line, you need to press star six to talk.

12 CHAIRMAN FORTUNA: Do we have a phone
13 number?

14 While they are reaching out, do we want
15 to go to the second hearing?

16 MEMBER MURPHY: Moving on to Number 2,
17 adoption of the Findings of Fact and Conclusions of
18 Law in the matter of PIC Daniel Hesslau.

19 Last month after hearing the testimony
20 and considering the evidence in this matter, the
21 Board voted to deny Paramedic Hesslau's application
22 for Duty Disability Benefits.

23 Counsel has now had an opportunity to
24 prepare Findings of Fact and Conclusions of Law in

1 this matter to support the Board's decision and to
2 share those Findings of Fact and Conclusions of Law
3 with the Board.

4 Having had a chance to review those
5 Findings of Fact and Conclusions of law, I make a
6 motion to approve those Findings of Fact and
7 Conclusions of Law in this matter.

8 MEMBER MARTIN: Second.

9 MEMBER TEBBENS: Mr. Chairman, I'd like
10 to make a motion to go into executive session.

11 MS. BURNS: That motion is on the floor.
12 You are making a request to go into closed session
13 and I assume that the basis for that is 2(c)11
14 because of possible litigation?

15 MEMBER TEBBENS: Yes. I am concerned
16 about a number of things and we can talk about
17 those. They are legal issues.

18 MS. BURNS: There is a motion to go into
19 executive session. There needs to be a second to
20 that motion.

21 CHAIRMAN FORTUNA: There is a motion by
22 Trustee Tebbens to go into executive session. Is
23 there a second?

24 MEMBER SONI: Second.

1 CHAIRMAN FORTUNA: There is a second by
2 Trustee Soni.

3 Trustee Murphy.

4 MEMBER MURPHY: No.

5 CHAIRMAN FORTUNA: Trustee Sheridan.

6 MEMBER SHERIDAN: No.

7 CHAIRMAN FORTUNA: Trustee
8 Conyears-Ervin.

9 MEMBER CONYEARS-ERVIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Soni.

11 MEMBER SONI: No.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: No.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: I am a no.

17 MS. BURNS: That motion to go into closed
18 session fails. So now the motion back on the table
19 is a motion to adopt the Findings of Fact in the
20 Hesslau matter consistent with the Board's
21 direction at the last meeting.

22 CHAIRMAN FORTUNA: I do have a motion and
23 I don't have a second.

24 MEMBER MARTIN: I seconded the motion.

1 MEMBER TEBBENS: On the question. I had
2 a question to the doctor that I needed a response
3 to that we addressed and I am still not satisfied.
4 I did not get the answer to that. I was under the
5 impression that procedurally this motion would be
6 the Findings of Fact.

7 Without disclosing what was in the
8 Executive Session, which is putting me in a very
9 awkward position right now, but I will take the
10 entire blame having said that, that I was under the
11 impression that this question would have been
12 resolved within the period of 30 days between --
13 again, I will restate. It was my impression based
14 on discussions that it didn't matter whether we
15 deferred or voted it down because the Findings of
16 Fact were still out there.

17 I believe that I have an outlying
18 question to the doctor, a concern that was not to
19 my satisfaction, and that was not addressed.

20 MEMBER CONYEARS-ERVIN: Trustee Tebbens,
21 I think that because of where the Board wants to go
22 right now with a vote to accept the Finding of
23 Facts, if you feel that your question has not been
24 answered to your satisfaction, you have the right

1 to vote in the way that you want to vote but I
2 think that the Board is ready to proceed.

3 Sometimes in situations, we don't always
4 agree with each other. Sometimes in situations,
5 we're not ready to vote on something because we
6 feel that we may not have enough. But the case was
7 heard last month and any questions that we had on
8 the record last month we asked.

9 If there is anything further, obviously,
10 as a trustee, you are more than welcome to ask
11 those questions, but I think the rest of the
12 trustees are ready to move on with the vote.

13 MEMBER TEBBENS: I have the greatest
14 respect for you, Madam Treasurer, you know that and
15 I have an appreciation for your integrity.

16 My concern is I am a Firefighter. I
17 don't know that any other Trustee, outside of the
18 Chief on the Board, knew what dysautonomia was and
19 the symptoms associated with that, with the
20 syncopal episodes.

21 Again, this issues is so complex and it
22 is new and there is not a lot of history in the
23 diagnosis and treatment. I think there was some
24 clarity that needed to be addressed related to the

1 syncope, related to the behavioral, and the
2 functional aspects of the doctor's recommendation,
3 that I wanted to clear up through additional
4 questions. Because I didn't know what dysautonomia
5 was and I had a question about the drug, how he was
6 being treated, whether he was being treated for
7 behavioral issues, and I thought that I didn't have
8 that opportunity and I wish that I had.

9 MEMBER CONYEARS-ERVIN: Trustee Tebbens,
10 that is the right thing to do, right. We are all
11 learning as we go. We are not medical doctors.
12 There are certain conditions we are still learning
13 as we go. I mean, you want to make sure that you
14 are doing the right thing by your fellow firemen
15 and fire women, that is totally fine.

16 But we have experts that testified in the
17 situation and the Board is ready to proceed. So it
18 is something that we are going to need to do
19 because the rest of the Board is ready to proceed.

20 Anyone that is listening will know that
21 you have done everything that you could just to
22 make certain that we are doing the right thing.
23 You are learning terminology that you may not have
24 known before but you don't have to be a medical

1 doctor to be a trustee on this Board. We have
2 experts that we listen to as well and take advice
3 from after listening to all the facts.

4 So, again, I think it is more than fair,
5 if you have a follow up question, if the doctor can
6 provide it, but the Board is ready to proceed with
7 the vote.

8 MEMBER TEBBENS: Understood.

9 MEMBER MARTIN: Can I make one comment?
10 Mr. President, just one comment.

11 Just with respect, we had the hearing
12 last month. It was a pretty extensive hearing.
13 There was a lot of medical testimony.

14 And over 18 years on this Board that I
15 have served, these are the most difficult decisions
16 that a Trustee will ever have to make, especially
17 being a fireman voting against a fireman.

18 We are only here today to vote on the
19 Findings of Fact. I just want to commend everybody
20 for making a very difficult decision and everybody
21 on staff, our doctors and our attorneys, for doing
22 the best they could to make sure that the process
23 is as good and as thorough as it was. Thank you.

24 CHAIRMAN FORTUNA: Thank you, Trustee

1 Martin.

2 There is a motion and there is a second
3 by Trustee Martin.

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 Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Abstain.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

19 MR. WELLER: Mr. Brandon, if you are on
20 the line, please press star six to proceed with the
21 hearing.

22 MR. BRANDON: Yes.

23 MR. WELLER: Is this Member Brandon?

24 MR. BRANDON: Yes, it is.

1 MR. WELLER: Vince, we have him on the
2 line.

3 MR. PINELLI: Thank you, very much. We
4 are ready to proceed on this matter.

5 Let the record reflect this is a hearing
6 on the application for a Duty Disability benefit
7 being made by Lieutenant Marlon Brandon.

8 Good morning, Mr. Brandon. Can you hear
9 me, sir?

10 MR. BRANDON: Good morning. Yes, I can.
11 Good morning, everyone.

12 MR. PINELLI: Let me begin by advising
13 you of some preliminary matters before we start
14 evidence on your application.

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

21 MR. BRANDON: Yes, sir.

22 MR. PINELLI: In addition, I see from the
23 record you do not have an attorney representing you
24 in this matter. Is it your desire to proceed to

1 this hearing without an attorney?

2 MR. BRANDON: I didn't know if I needed
3 one, but, yes, it is fine, I can proceed without
4 one.

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

11 MR. BRANDON: Yes, it is.

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 Dr. Peters, who interviewed
17 you, to testify. If there is anything that I fail
18 or I don't ask him that you think is important for
19 the Board to know, please let me know and you will
20 be given that opportunity. Do you understand the
21 procedures?

22 MR. BRANDON: Yes, sir.

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

1 DOCTOR PETERS: Yes, I am.

2 MR. PINELLI: Thank you. Good morning,
3 doctor.

4 DOCTOR PETERS: Good morning.

5 MR. PINELLI: Dr. Peters and Lieutenant
6 Brandon, please both raise your right hands.

7 (Witnesses sworn.)

8 MARLON BRANDON

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

11 EXAMINATION

12 BY MR. PINELLI:

13 Q Now starting with you, Lieutenant
14 Brandon, for the record, because this hearing is
15 being recorded, could you please state your name?

16 A Lieutenant Marlon Brandon.

17 Q You said Lieutenant so that is your
18 current rank with the Fire Department?

19 A Yes, sir.

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

22 A Engine 60.

23 Q Sir, directing your attention to the
24 Board exhibits, you should have received a copy of

1 those exhibits in advance of today's hearing. Did
2 you get a copy of them?

3 A Yes. Yes, I did.

4 Q Did you have a chance to review them?

5 A Yes, I did.

6 Q Do you have any objection to their
7 admission into the record in this hearing?

8 A Yes, I do. The fact that I think Dr. Lim
9 stated that it wasn't job related and I just want
10 to say how she could have called that when the
11 incident occurred when something hit me with my
12 eye. My sight was fine before I went to work.
13 After the incident happened, then my sight went
14 away. She has never asked me what happened when I
15 went to the doctor. She's the one that did the
16 surgery but I know she has never asked. No one --
17 people might have asked when I first went to the
18 emergency room, they asked, different things like
19 that, but Lim never asked.

20 Q Okay. That is a point you can make
21 during your testimony when you have that
22 opportunity. I will certainly give you that
23 opportunity to address that point with the Board.
24 But this question is simply that, rather than us

1 having to have all kinds of witnesses come in to
2 just testify that these are their records, we are
3 just admitting them for foundation so that the
4 Board can review them.

5 You can still make your points to the
6 Board but for that purpose only do you have any
7 objection to their admission?

8 A No.

9 MR. PINELLI: Thank you. I appreciate
10 that.

11 Mr. Chairman, based on that comment from
12 the applicant and that we are just moving these in
13 for foundation purposes, I would move for admission
14 of Board Exhibits 1 through 10, without objection
15 from the applicant.

16 CHAIRMAN FORTUNA: Exhibits are admitted
17 without objection.

18 (Board Exhibits 1 through 10 were
19 admitted into evidence.)

20 MR. PINELLI: Thank you.

21 BY MR. PINELLI:

22 Q Now, lieutenant, directing your attention
23 to the date of January 16th of last year, were you
24 working that day and did you sustain an injury that

1 is the basis of your application?

2 A Yes, sir.

3 Q Understanding the Board does have your
4 sworn statement, it is one of the things in the
5 Board exhibits so they will have a chance to review
6 that, but could you just briefly describe for us
7 today where you were and what happened to you?

8 A Okay. I was at Engine 60. Reported for
9 work that morning. And, I think, roughly we got an
10 assist a citizen. It was on Harper, 54th and
11 Harper. Approximately about 1800 hours. We went
12 in. We pulled up. About to assist. I come out of
13 the car. When I was walking up to the car,
14 something flew in my eye. I just assumed it might
15 have been some salt because of the way it burned.

16 So when it hit me in my eye, it hurt at
17 the time, burning, burning was -- I mean, it was
18 burning super, super bad. I told the guys I am
19 going to back to the rig. Something hit me in the
20 eye.

21 I went to the rig, got back in the rig,
22 waited until they finished with the patient.
23 Returned back to the firehouse. I flushed my eye
24 out with the paramedic that was working. And then

1 we -- I waited for awhile. It was still burning a
2 little bit and eventually my sight just started
3 going away. A curtain like came down over my eye.

4 I notified the Chief. Saw the ambulance.
5 The paramedics came. Took me to University of
6 Chicago and that is when they told me that my
7 retina detached.

8 Q So the record is clear, which eye was it
9 that this happened to?

10 A My right eye.

11 Q The records seem to indicate that you had
12 had some issues with your right eye before this
13 incident. Did you have any medical treatment or
14 problems with the eye before this incident?

15 A Well, I was informed that I might have
16 said that I had -- what do they call that -- some
17 floaters. And I never knew actually what a floater
18 was until that day. And it just looked like it was
19 a spot that was in my eye. It might have felt like
20 a -- how you get a scar -- whatever you call that
21 on the top of your lid but it felt like something
22 was in the eye. I had a little spot. It was like
23 I would see something but it wasn't really there.
24 I might have mentioned that to the doctor.

1 Q So I understand that you may have
2 mentioned it but the question I am asking is simply
3 did you in fact have that experience with that in
4 your right eye before the incident?

5 A Did I have what experience?

6 Q Experiencing something in your right eye
7 that was occurring before this incident?

8 A Oh, that is what I said. Yes, it was
9 like a few days. I guess, I said that, yes.

10 Q That is accurate information?

11 A Right, right.

12 Q Thank you. You mentioned that you did go
13 back to quarters and before you were taken to the
14 emergency room that day about how long was it? Was
15 it several hours? Was it a hour? Do you recall?

16 A It might have been, if I could guess,
17 maybe a hour maybe, if that.

18 Q Then subsequent to going to the hospital,
19 the records show that you had several different
20 surgeries to your right eye, is that correct?

21 A Before I went to the hospital?

22 Q No, no. After the hospital and to treat

23 --

24 A Yes, yes.

1 Q -- your right eye, you then had a series
2 --

3 A Exactly.

4 Q -- of surgeries on it?

5 A Yes, sir. Yes, I did.

6 Q That was all with respect to your right
7 eye, correct?

8 A Yes.

9 Q There was also some mention in the
10 records that you have had an issue with your left
11 eye. Is that also accurate?

12 A Yes. In the process of them treating my
13 right eye, I guess they decided to look at both
14 eyes and they said they seen something in my left,
15 yes.

16 Q Did you understand that they saw a
17 retinal tear or a retinal problem in your left eye
18 as well?

19 A Yes, that was what I was told, yes.

20 Q Did you subsequently have treatment for
21 that left eye, too, some kind of laser surgery?

22 A Yeah, like a laser. They told me it was
23 something minor. They told me in and out. I was
24 actually walking. I left right out of there and I

1 was still able to see and everything at the time.

2 Q Can you describe for the Board today, as
3 you are appearing here today, what is the condition
4 with respect to your right eye as far as your
5 vision? How it works in your right eye?

6 A As of today, it is super -- still super
7 blurry. I can see colors. I can see light. I can
8 see shapes. But if someone was maybe five feet or
9 more, I couldn't -- I wouldn't be able to identify
10 them.

11 Q So your vision in your right eye is still
12 impaired even though you have had these surgeries
13 to address it? Would that be accurate?

14 A Yes. They told me it can take up to six
15 months, even a year, to get its best, if it gets
16 any better, that is what I was told.

17 Q Now let me ask you, since the incident
18 occurred, are you able to drive a vehicle on your
19 own? Like your own time, not when you are working,
20 but just on your own?

21 A Right I am getting more and more trying
22 it. I would like someone in the car because it is
23 building up my confidence to see more on the right
24 side of me. As long as someone is in there, I have

1 tried it. I'm getting more comfortable as the
2 days, you know, go.

3 Q And then with respect to your duties with
4 the fire department, as a lieutenant -- I apologize
5 I am not as familiar with those. Could you just
6 tell us as part of your duties as a lieutenant are
7 you required to be able to drive a vehicle when you
8 are on duty?

9 A No, sir. No.

10 Q Now you entered service with the fire
11 department, according to the records, in 1986, is
12 that correct?

13 A Yes.

14 Q Since you went on layup, have you engaged
15 in any activity by which you have earned income or
16 money?

17 A No, sir.

18 Q Have you engaged in any sporting
19 activities?

20 A No.

21 Q Are you taking any medications prescribed
22 by your doctor for the condition of your right eye?

23 A Not anymore. I was when it first --
24 after the surgery, yes, but at the present time no.

1 MR. PINELLI: Thank you, lieutenant.
2 That is all the questions I have at this time.

3 CHAIRMAN FORTUNA: Trustees, any
4 questions?

5 Hearing none.

6 MR. PINELLI: Then I would call Dr.
7 Peters to testify. He has been sworn.

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, could you please state your name for
15 the record?

16 A Michael I. Peters.

17 Q You are a physician, is that correct?

18 A Yes, that is correct.

19 Q Is a copy of your qualifications as a
20 physician attached to the Board exhibits?

21 A Yes.

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

24 A Yes, I do.

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

4 A Yes.

5 Q Did you file that procedure with respect
6 to Lieutenant Brandon?

7 A Yes, I did.

8 Q Is a copy of your written report marked
9 as Board Exhibit Number 2?

10 A Yes.

11 Q Doctor, due to the current pandemic
12 conditions, did you have the opportunity to
13 interview the applicant as opposed to examining
14 him?

15 A Yes, I interviewed Lieutenant Brandon by
16 telephone.

17 Q During the course of the interview, did
18 he provide you with information regarding his
19 medical issue and his current condition?

20 A Yes, he did.

21 Q Was the information that he provided to
22 you consistent or inconsistent with what you had
23 seen in the medical reports?

24 A The information he provided was

1 consistent.

2 Q Doctor, could you please just summarize
3 for the board members with respect to what your
4 findings were after reviewing the medical records
5 and interviewing the applicant with respect to his
6 right eye?

7 A As Lieutenant Brandon described, he was
8 responding to a motor vehicle incident with a
9 patient assist. A vehicle drove passed him.
10 Something splashed into his eye. He thought it
11 might have been salt because it burned. It was his
12 right eye. He irrigated it. It didn't get better
13 from the burning standpoint but very quickly he
14 described nearly complete vision loss, which was
15 documented when he went to the ED at the U of C.
16 They diagnosed him with a right eye retina
17 detachment.

18 He was seen by a specialist from
19 ophthalmology there who determined, when they did a
20 thorough retinal exam, that he had retinal holes
21 and tears and some blood there within his eye and
22 then ultimately he also had a large retina
23 detachment which explained his vision loss.

24 Due to insurance reasons, he didn't have

1 his future care at the U of C. He went to the
2 U of I of Chicago and saw retinology specialists
3 there. They examined his left eye as well and saw
4 that he had an asymptomatic horseshoe tear of his
5 left retina, which was treated with a laser that
6 day as an outpatient procedure.

7 He was then scheduled for surgery to
8 repair the retinal tears in his right eye, which
9 was performed by Dr. Lim at the UIC. But then he
10 had a re-tear and had to have a second surgery and a
11 lens replacement.

12 During his follow up exams, it looks like
13 the retina has remained healed but because it was
14 separated from its underlying blood supply for a
15 period of time he's lost the neurologic function to
16 perceive light and colors. He has macular
17 involvement. His visual acuity isn't very good in
18 that right eye probably permanently. With both
19 eyes or with his monocular vision using his good
20 eye, his left eye, he is over 25, that is with
21 glasses. I think he's scheduled with his
22 ophthalmologist in April.

23 Q You have reviewed the records of Dr. Lim
24 and a Dr. Monique Munro, is that correct?

1 A Yes.

2 Q Dr. Lim, Jennifer Lim, performed the
3 surgery on his right eye, is that correct?

4 A Yes.

5 Q Did she make any comment about the
6 condition of the eye in terms of what she saw as
7 far as how long the condition had been there?

8 A Yes. During the first surgery, she
9 commented on the appearance of the torn retina --
10 description of what she saw in terms of how the
11 retina appeared and scar tissue that was present.
12 She said that it had been there a long time.

13 Q And then with respect to Dr. Munro, she
14 also commented, did she not, on the retinal
15 detachment in the right eye and whether or not it
16 was caused by this incident?

17 A Yes. She put in writing that he had
18 restrictions, based on his visual acuity of the
19 right, but that the retinal detachment itself was
20 not from trauma or from a duty incident.

21 Q Did she mention as well that this type of
22 symptom can sporadically occur in individuals based
23 on their condition of their eye over time, age and
24 so forth?

1 A Yes. She said it could happen
2 spontaneously to otherwise healthy people.

3 Q Does the fact that he also had a similar
4 condition in his left eye indicate to you anything
5 about why he had the condition in his right eye as
6 well?

7 A I think the natural history of retinal
8 disease leading up to a tear and having it in the
9 left eye would strongly suggest that Lieutenant
10 Brandon has underlying retina disease.

11 I know that when I spoke to him he had --
12 I don't think he completely understood the meaning
13 of the word "floater" when they were asking him
14 about floaters. He explained that today and he
15 explained that to me. But he had some dots in his
16 visual field in the right eye before the duty
17 incident. At least one of the doctors documented
18 he was also seeing flashing lights. Although, in
19 my discussion with Lieutenant Brandon, he didn't
20 remember that. But those are signs of impending
21 retina detachment.

22 In the left eye, in 2019, he was having
23 floaters and he was diagnosed with posterior
24 vitreous detachment. That is where the jelly part

1 within the ball of the eye, that is what gives the
2 eyeball its shape, dries out with age and pulls on
3 the retina, which is the membrane in the back of
4 the eye, and makes small holes and tears. And the
5 result of that is you will see floaters or black
6 dots and sometimes flashing lights. And then
7 sometimes it remains asymptomatic. Like for his
8 left eye, he had a large tear but was asymptomatic
9 and it was repaired with laser.

10 It would be very likely to suspect that
11 he would have the same kind of disease on the right
12 eye.

13 Based on the appearance of what Dr. Lim
14 described in her surgery, it appears that those
15 retinal holes and tears were present before the
16 duty incident.

17 Q Getting to the nub of the matter I guess,
18 the incident he described that something got into
19 his eye on that date, from what he described
20 happened, is that the type of thing that would have
21 caused or exacerbated I guess the condition in his
22 right eye that was going on?

23 A We know that blunt ocular trauma, getting
24 hit with something to the eyeball, can definitely

1 be a cause of retinal detachment. But in this case
2 it is not entirely clear what hit him in the eye.
3 It sounds like it was probably salt. It could have
4 been grains of salt or pieces of salt. Whatever it
5 was it caused burning, that would fit with salt.

6 It doesn't appear that it was the type of
7 blunt ocular trauma that would be expected to cause
8 a retinal detachment. He wasn't hit with a large
9 object to the eye or face.

10 When the ophthalmologists did their exams,
11 you know, the same day of his injury, they did not
12 describe any external ocular injury. Such as a
13 corneal abrasion or a hyphema or a subconjunctival
14 hemorrhage. These would be things that you would
15 see if somebody got hit in the eye with a degree of
16 force.

17 Q Based upon that and your review of the
18 records, would you agree with Dr. Monroe's statement
19 that the detachment was not related to work trauma
20 of this incident or disagree with it?

21 A I agree with Dr. Monroe's statement about
22 the etiology or the cause of the retinal
23 detachment.

24 MR. PINELLI: Thank you, doctor. That's

1 all the questions I have of the doctor.

2 CHAIRMAN FORTUNA: Trustees, any
3 questions?

4 Hearing none.

5 MR. PINELLI: Lieutenant Brandon, I have
6 asked the doctor questions, you just heard him, and
7 the answers. Do you have anything you wish to ask
8 of the doctor?

9 MR. BRANDON: Yes. Dr. Munro is only --
10 she wasn't someone that was taking care of me. She
11 was just pretty much writing down what Dr. Lim was
12 telling her. It was really not two people against
13 one, you know. She just repeating what she's been
14 told.

15 And I do understand, I have been doing my
16 research, that I know -- I have talked to several
17 people that have floaters for, you know, something
18 in the eye and they never had a detachment.

19 And so I get both sides. I understand
20 what he is saying. But I have known people that
21 have had floaters and never had no issues. And the
22 fact of the matter is I could see when I went to
23 work that morning and I couldn't after something
24 hit me in my eye.

1 Like I said, I understand exactly what
2 he's saying but he still can't stop to understand
3 that that was happening.

4 And the other thing is that when I went
5 to the University of Chicago, they told me it was
6 an emergency. I need to get to surgery. I was
7 going to go Monday. But I called Medical because
8 Medical was closed on the weekend because that is
9 when it happened and I was told, no, you cannot
10 have the surgery. You cannot go there. You have
11 to come to Medical first or you will be paying for
12 this on your own.

13 I was, you know, distracted. I was
14 caught between what should I do? This is my vision
15 but can I afford it? You know, if they do all
16 this, what am I going to do with the payment? I
17 didn't know what to do. I prayed on it and
18 everything.

19 So I went on and went to Medical and in
20 the process of doing that it went a week or two
21 out. And like the doctor said, that is probably
22 why I can't see out of my eye today. If they would
23 have probably did the surgery immediately like I
24 was told to, I would probably be able to see right

1 now.

2 MR. PINELLI: That sounds like a
3 statement you made to the Board to make your point,
4 that's fine. I just wanted to release the doctor
5 from any more testimony.

6 MR. BRANDON: That's fine.

7 MR. PINELLI: Unless you have a specific
8 question for him, then I would say his testimony is
9 completed.

10 MR. BRANDON: That is fine. I don't have
11 any more questions.

12 MR. PINELLI: Thank you, doctor.

13 Then you, obviously, made some points to
14 the Board. Is there anything you wish to add to
15 that before they conclude the evidence or have you
16 covered everything?

17 DOCTOR PETERS: I think I have covered
18 everything.

19 MR. PINELLI: I actually meant that for
20 the Lieutenant, but, thank you, doctor.

21 DOCTOR PETERS: Sorry.

22 MR. PINELLI: That is okay. Your
23 testimony is done. I was just asking Lieutenant
24 Brandon if there is anything else, other than what

1 he already said to the Board, that he wishes to say
2 before the evidence is closed?

3 MR. BRANDON: No, I think that is all I
4 have to say.

5 MR. PINELLI: Thank you. Then the
6 evidence in this matter is completed.

7 MEMBER MURPHY: Mr. President, I would
8 like to make a motion to go into executive session
9 based on Section 2(c)4 of the Open Meetings Act.

10 MEMBER SHERIDAN: Second.

11 CHAIRMAN FORTUNA: Motion to go into
12 executive session by Trustee Murphy. Seconded by
13 Trustee Sheridan.

14 Trustee Murphy.

15 MEMBER MURPHY: Yes.

16 CHAIRMAN FORTUNA: Trustee Sheridan.

17 MEMBER SHERIDAN: 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: I will abstain.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 We are in executive 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: Mr. President, I'd like
9 to make a motion to grant the benefits requested by
10 Lieutenant Marlon Brandon.

11 CHAIRMAN FORTUNA: There is a motion to
12 grant by Trustee Murphy. Is there a second?

13 MEMBER MARTIN: Second.

14 CHAIRMAN FORTUNA: Second by Trustee
15 Martin.

16 Trustee Murphy.

17 MEMBER MURPHY: No.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: No.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: No.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: No.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: No.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: No.

4 CHAIRMAN FORTUNA: I am a no.

5 MEMBER MURPHY: I would like to make a
6 motion to deny the request by Lieutenant Marlon
7 Brandon.

8 MEMBER VALENCIA: Second.

9 CHAIRMAN FORTUNA: There is a motion to
10 deny by Trustee Murphy. 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 Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: I am a yes.

1 Motion carries.

2 Brandon, can you hear me, sir?

3 MR. BRANDON: Yes, I am on.

4 CHAIRMAN FORTUNA: Based on the evidence
5 that we have heard and considered, the Trustees
6 have voted to deny the benefit that you have
7 requested. You will be notified by mail of the
8 Findings of Fact and the Board's decision.

9 Thank you.

10 MEMBER TEBBENS: Mr. Chairman, I don't
11 know if I need a motion for this but there was some
12 technical difficulties during public comments.
13 There is an individual that would have liked to
14 have spoken. Will you do that or will I need a
15 motion to suspend the rules.

16 CHAIRMAN FORTUNA: I don't think I can
17 redo that because we already moved on.

18 MEMBER TEBBENS: I will make a motion to
19 suspend the rules.

20 CHAIRMAN FORTUNA: Okay.

21 MS. BURNS: Vince, we have another
22 hearing, right?

23 MR. PINELLI: We do have a matter. I
24 don't think it's going to be contested but we do

1 have another matter.

2 MS. BURNS: So now is the time that
3 Trustee Tebbens wants to do the motion. It would
4 be a motion to go out of the regular order of
5 business to allow for public comment, even though
6 the period of time for public comment has lapsed.

7 It would be contrary to your policy,
8 which says that individuals wishing to address the
9 Board must be present to provide their comments at
10 the appropriate time set forth in the Board's
11 meeting agenda. That being said, he has the right
12 to make that motion to go out of the regular order
13 of business.

14 MEMBER TEBBENS: Based on the technical
15 difficulty that we experienced both with the
16 applicant today, who had difficulty getting on,
17 that is consistent with the difficulty that the
18 individual had for public comment.

19 MEMBER MARTIN: I will second that
20 motion.

21 CHAIRMAN FORTUNA: There is a motion and
22 there is a second by Trustee Martin.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.

2 MEMBER SHERIDAN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: I am a yes.

12 Motion carries.

13 MR. WELLER: As I understand it, we are
14 now going to allow public comment?

15 CHAIRMAN FORTUNA: Yes. I better go
16 through that once again.

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

23 So now are there any requests for public
24 comment?

1 MR. WELLER: We have one. Any others?

2 Chris, can you identify this individual
3 by the last four digits of their phone number?

4 MR. MORALES: Yes, I identified this
5 person to be Mr. Hessler.

6 MS. BURNS: Mr. Hessler, the floor is
7 yours, if you would like to address the Board.

8 MR. HESSLAU: Thank you, very much for
9 the opportunity to speak to you guys again.

10 As you can imagine, there has been quite
11 a bit going on with my family and I over the past
12 two weeks. I respect the way that this system
13 works.

14 I have something that I would like to
15 just to speak and just kind of give my piece.

16 I joined CFD in 2017 as a candidate fire
17 paramedic and finally fulfilled my life goal of
18 belonging to the best fire department in the
19 country.

20 During my previous experience in EMS, I
21 felt comfortable enough to take a promotion early
22 on in my career to the rank of PIC.

23 I was assigned to Ambulance 22, House of
24 Engine 72, Tower 34 and Battalion 23. I served

1 alongside some of the bravest and best in the field
2 in the southeast side of the City of Chicago.

3 The amount of pride that I took in saying
4 that I belonged to Ambulance 22 of the Chicago Fire
5 Department is immeasurable. Seeing firsthand the
6 acts of courage that my fellow brothers and sisters
7 put up on display every day was inspiring. It made
8 me want to become the best paramedic that I could
9 be.

10 People are always talking about this
11 division within the department between firefighters
12 and paramedics. I have had so many horror stories
13 told to me about this. But in the limited
14 experience that I had with this department, that is
15 something that I have never seen. In fact, some of
16 the most supportive people during this time came
17 from the firefighters lending a hand.

18 An example of this was due to how
19 symptomatic I was before I received treatment at
20 the Mayo Clinic. Engine 86 came out to my house in
21 the winter of 2020 to dig out my families vehicles
22 that were buried in snow. Not because I asked them
23 to but because they heard my story and wanted to
24 help.

1 When I was first denied access to the
2 Mayo Clinic, the outpouring of both support and
3 love by both firemen and paramedics was
4 overwhelming.

5 There was no division out of this
6 department. The division may have existed in years
7 past but it is not there now. We are one.

8 Obviously, you guys know about the ruling
9 that happened on the 26th of January with me being
10 denied my rights to the Duty Disability.

11 This shock came after being classified as
12 quote maximum medical improvement end quote and
13 told by the Covid specialist at the world renown
14 Mayo Clinic that quote due to his medical
15 condition, it is my medical opinion that he would
16 not be able to return back to his job as a
17 paramedic or in other similar safety sensitive
18 condition on a medical more probable than not basis
19 end quote.

20 Even with this extremely, my opinion,
21 definitive statement, the Pension Board, which I
22 understand how the process works, and the doctor,
23 who represents the Pension Board, felt the thoughts
24 and diagnosis from the world renown Mayo Clinic

1 were not accurate and took the advice more so from
2 the Pension Board doctor, who, to the best of my
3 knowledge, is not a Covid specialist.

4 I am not here today to talk badly about
5 you guys or to talk badly about the doctor or
6 anyone else. I am here today to talk about the
7 actions that happened today are going to effect
8 what happens tomorrow.

9 If we find it appropriate that a Local 2
10 member in good standing with the union and the
11 Region 11 system, who works for one of the busiest
12 ambulances on the southeast side of the City, who
13 contracted Covid during the year of 2020 before any
14 form of vaccine was available, who developed
15 post-Covid symptoms, who has documented cases of
16 TIA mini strokes on file, who has a documented case
17 of myocarditis, who was treated by one of the most
18 well-respected hospitals systems in the world being
19 the Mayo Clinic. Who has had more syncopal
20 episodes that he would care to admit due to these
21 post-Covid complications. Who was terrified for
22 his life. To be cast aside and not given what he
23 is owed is wrong.

24 I am not here today to point fingers or

1 to put blame on anyone or any entity but the fact
2 of the matter remains the same.

3 The only way for me to return to work at
4 the CFD is for me to find a doctor to go against
5 what my Mayo Clinic physicians have said and that
6 is wrong and that is something that goes against
7 every fiber of my being and that will not be done
8 on my part.

9 My family has gone to hell and back since
10 November of 2020 until today. What is sad about
11 that is that in all reality the end is nowhere in
12 sight for us. But one thing that my father
13 engrained in my brain from a young man is that
14 integrity is everything. Without integrity, you
15 are nothing.

16 I plan on teaching my four and five year
17 old children the same morals.

18 I cannot in good conscience take the easy
19 way out and accept what is being ruled against me
20 as final. All the while teaching my children to
21 stand up for what is right while I, as their
22 father, their role model, chooses not to. That
23 will never happen.

24 And I am speaking before you guys today,

1 not only the proud member of Local 2, a fellow
2 brother to some and a paramedic, but also the man
3 who will not allow his name to be dragged through
4 the mud.

5 Thank you.

6 CHAIRMAN FORTUNA: Thank you.

7 MEMBER TEBBENS: God bless, you Danny.

8 Good luck to you.

9 MS. BURNS: Any other comments, Kelly?

10 MR. WELLER: There were no other raised
11 hands.

12 MS. BURNS: Then we will go back to the
13 regular order of business. The next matter is the
14 Flood matter.

15 Vince is still on so he will be happy to
16 address that.

17 This is a woman whose Widow's Annuity
18 payments have been suspended by this Board for the
19 last couple of years. I believe since 2019, Vince.

20 MR. PINELLI: Yes.

21 MS. BURNS: It was brought to our
22 attention that the marriage upon which she relied
23 for benefits may have been fraudulently obtained.

24 In other words, she wasn't really married to the

1 individual who she claimed to have been married to.

2 Two or three years ago the Board
3 suspended the widow's annuity payments. We are now
4 bringing the matter back to you today to formally
5 terminate the benefits, if that is your decision.
6 In which case, we would then notify her and she
7 again would have the right to appeal just like any
8 other applicant.

9 Okay, Vince.

10 MR. PINELLI: Thank you, Mary Pat.

11 Let the record reflect this is a hearing
12 to determine whether the Widow's Annuities benefit
13 previously granted to Jeanne Flood, in 2006, which
14 was suspended by this Board in November of 2019,
15 should now be terminated.

16 With respect to that, I present to the
17 Board for its consideration what's been marked as
18 Board Exhibits 1 through 12. At this time, Mr.
19 Chairman, I would move for admission of Board
20 Exhibits 1 through 12 into the record.

21 CHAIRMAN FORTUNA: Admitted without
22 objection.

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

1 MS. BURNS: I apologize for interrupting
2 but are you going to explain that notice was given
3 to Ms. Flood?

4 MR. PINELLI: Yes, that was exactly what
5 I was going to do.

6 MS. BURNS: Thank you.

7 MR. PINELLI: Board Exhibit 1 is a Notice
8 of Hearing that was sent to Ms. Flood about this
9 hearing. The date and time, location, what her
10 rights are, what she could do to participate in the
11 hearing.

12 Board Exhibit Number 2 is a confirmation
13 of signed delivery of that notice, which was sent
14 to her so she did accept and sign for it as the
15 record reflects from FedEx. It was a signature
16 delivery and the record from FedEx indicates that
17 she actually signed for it.

18 We have pretty solid evidence that she
19 has knowledge of the hearing, was given this notice
20 that she could participate, if she so chose to do
21 so.

22 To my knowledge, we have received nothing
23 from her indicating her desire to participate in
24 the hearing. And, obviously, she's not

1 participating at this time as well.

2 That being the case, I feel very
3 confident the Board can move forward after giving
4 her due notice of this hearing.

5 So the record is clear, this isn't the
6 first notice she's had about the issue. As Mary
7 Pat explained, this goes back to 2019 when the
8 information was first provided to the Fund staff,
9 that there was a question about this marriage.

10 Subsequently there were attempts to
11 obtain the proper certified copy of the marriage
12 certificate that the Board could rely on in order
13 to determine that it was a valid marriage, which
14 actually was a remarriage because they were married
15 initially, then they divorced and then allegedly
16 remarried in 1992. It is that second marriage that
17 is at issue here.

18 In any event, she did get proper notice.
19 She's not here to participate. The records that
20 you have in the Board Exhibits 4 through 12 lay out
21 pretty clearly that the Board does not have a
22 certified record of this marriage and through staff
23 we attempted to get that information both by
24 reaching out to the Register, who is the one who

1 has the official marriage records. They directed
2 the staff to the actual church where the marriage
3 was supposed to have taken place as they repository
4 of a record, if there was one.

5 So staff did that. They contacted the
6 church and the church provided a response basically
7 saying we have no record of such a marriage ever.
8 It wasn't just we don't have a record of that date,
9 we don't have a record that such a marriage ever
10 actually occurred at that church.

11 In addition to that, if you look at the
12 reported marriage certificate itself, it lists on
13 the marriage certificate as the witnesses, so what
14 I am looking at is Board Exhibit 6 at the moment
15 this is the purported marriage certificate, and at
16 the bottom it indicates the witnesses to this
17 purported marriage are George Kenton and Edna
18 Kenton, who are apparently the parents.

19 Through other investigation, we were
20 provided documents of death certificates of those
21 two people, which are Board Exhibits 7 and 8.
22 George Kenton died in October of 1982 so ten years
23 before this purported marriage occurred. Edna
24 Kenton died in January of 1958 which is even longer

1 before the date of this purported marriage.

2 So, given that information, I think there
3 is a very clear fundamental question as to whether
4 or not this certificate that was provided to the
5 Board is fraudulent, but certainly there are
6 serious questions as to the authenticity of it.

7 We made a very good attempt through staff
8 to try to get an authentic record of marriage and
9 were unsuccessful in going to the source for such a
10 certificate, if in fact it had occurred.

11 Between that, the failure to provide an
12 authenticate certificate, and the questions that
13 had been raised on the certificate that was
14 provided to us, I think the Board was well within
15 its rights and purview, and, in fact, prudent to
16 suspend this benefit back in November of 2019 when
17 it did that.

18 Now having given the purported widow
19 plenty of opportunity of notice and the opportunity
20 to provide us with countervailing evidence or
21 evidence to support this purported marriage and she
22 has failed to do so, I think there is a record here
23 that is very sufficient for the Board to now just
24 terminate this benefit at this time.

1 MEMBER MARTIN: Mr. President, I'd like
2 to make a motion to terminate the benefit.

3 MEMBER SONI: I have one question. What
4 happens to the benefits that were previously paid?

5 MS. BURNS: That is an excellent
6 question, Trustee Soni. If this Board determines
7 to terminate the benefit today, then we will be
8 back to you next month putting together a record
9 that establishes that there may be a reasonable
10 suspicion that for the period of time she received
11 the benefits that those benefits were received
12 fraudulently and I will ask you then to report this
13 matter to the State's Attorney.

14 She had received approximately \$300,000
15 before we suspended this benefit. We can't really
16 take it back from her but we can definitely,
17 consistent with your obligations under Section
18 1-135 of the Pension Code, we can report the matter
19 to the State's Attorney, if that is the Board's
20 direction.

21 CHAIRMAN FORTUNA: Trustee Soni, are you
22 satisfied with that explanation?

23 MEMBER SONI: Yes, President Fortuna.
24 Thank you, very much. Thank you, Mary Pat.

1 MS. BURNS: Thank you, Trustee Soni.

2 CHAIRMAN FORTUNA: There is a motion by
3 Trustee Martin.

4 MEMBER MURPHY: Second.

5 CHAIRMAN FORTUNA: Seconded by Trustee
6 Murphy.

7 MS. BURNS: Ms. Flood, we just want to
8 make sure that you are not on the phone. There are
9 several unidentified numbers. Are you available on
10 this line? If so, please press star six.

11 Not hearing from Ms. Flood, I think then
12 your motion is ready to be voted upon, sir.

13 CHAIRMAN FORTUNA: Once again there is a
14 motion by Trustee Martin. Seconded by Trustee
15 Murphy.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: I am a yes.

5 Motion carries.

6 MEMBER MURPHY: Moving on, Mr. President,
7 I'd like to make a motion to approve the Board
8 Physician's recommendations for reviews.

9 MEMBER SONI: Second.

10 CHAIRMAN FORTUNA: There is a motion by
11 Trustee Murphy. Seconded by Trustee Soni.
12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Moving on to Investments,

1 I would like to turn this over to Trustee Martin
2 and Lorna.

3 CHAIRMAN FORTUNA: Trustee Martin.

4 MEMBER MARTIN: We have a couple of
5 motions that came out of the Committee yesterday.
6 I think, Lorna, if you want to take over from here.

7 MS. SCOTT: The Committee did meet
8 yesterday. There were four items on the agenda.

9 The Committee reviewed the 2021 MWDBE
10 Broker Utilization and we are meeting our targets
11 there.

12 The Committee reviewed the Statement of
13 Investment Policy and after discussion the
14 Committee is recommending adopting the revised
15 Statement of Investment Policy.

16 The third item, the Committee considered
17 Callan's recommendation to issue you a RFP for
18 infrastructure manager. After discussion, the
19 Committee is recommending issuing that RFP.

20 The final agenda item was the Investment
21 Report. Brady discussed Fund performance for
22 fourth quarter of 2021 and I provided an update on
23 Fund performance for January of this year.

24 With that synopsis of the Committee, I am

1 looking for the motions to ratify the Committee
2 recommendations related to the revised Statement of
3 Investment Policy and the RFP.

4 MEMBER MURPHY: Mr. President, I'd like
5 to make a motion to adopt the recommendation of the
6 Investment Committee to revise the Statement of
7 Investment Policy as presented. Is there a second?

8 MEMBER MARTIN: I will second it.

9 MEMBER MURPHY: I would like to take the
10 vote now. Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 MEMBER MURPHY: Trustee Soni.

13 MEMBER SONI: Yes.

14 MEMBER MURPHY: Trustee Martin

15 MEMBER MARTIN: Yes.

16 MEMBER MURPHY: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 MEMBER MURPHY: I am a yes.

19 Motion carries.

20 I would like to make another motion to
21 adopt the recommendations of the Investment
22 Committee to approve the issuance of a RFP for an
23 infrastructure manager.

24 MEMBER MARTIN: I'd second it.

1 MS. BURNS: Seconded by Martin.

2 MEMBER MURPHY: Roll call vote.

3 Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 MEMBER MURPHY: Trustee Soni.

6 MEMBER SONI: Yes.

7 MEMBER MURPHY: Trustee Martin

8 MEMBER MARTIN: Yes.

9 MEMBER MURPHY: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 MEMBER MURPHY: I am a yes.

12 Motion carries.

13 MS. SCOTT: The next item was the

14 Investment Report and I did cover that in

15 Committee.

16 The last item, consideration and approval
17 of Fund rebalancing, that we have to cover still.

18 Looking at the rebalancing template, this
19 shows your allocation as of February 11th. We have
20 a million dollars at Northern Trust. Jackie is
21 going to need about \$28.9 million at this point in
22 time to cover benefit payments at the end of the
23 month.

24 Without any City contributions, which we

1 are hoping for prior to month's end, this is the
2 worst case scenario, we get nothing, we need \$28.9
3 million for benefit payments.

4 What I am looking for is we need to raise
5 \$29 million. That plan is to sell \$14 million in
6 equities or U.S. equities, sell \$5 million out of
7 Global ex-U.S. and take \$10 million from fixed
8 income, that raises our \$29 million. We transfer
9 \$28.9 million to Chase. That leaves us with
10 \$1.1 million of cash at Northern.

11 Looking at our variance against target
12 post-withdrawal, we remain overweight in equities,
13 offset by an underweight to fixed income.

14 The cash raise again will only be
15 necessary if we do not receive any contributions.

16 So this, again, is the worst case
17 scenario, and that is where the motion that I am
18 looking for is to raise up to \$29 million as
19 indicated on the rebalancing template. Subject to
20 modification by the CIO, by me, if we don't have to
21 raise all this cash, I won't raise it all, pending
22 the receipt of City contributions.

23 MEMBER SONI: To Lorna's point, we are
24 proactively trying to get that cash out hopefully

1 by the beginning of next week. We are just working
2 on that.

3 This would be the portion that is related
4 to the non-property tax, Lorna. And I think Craig
5 might be in conversations with you about this but
6 our goal is to try to get that out next week.

7 If that happens, just to remind me of the
8 cutoff. I think you need cash by the 25th at
9 latest is it?

10 MS. SCOTT: So it is the last day of the
11 month. Actually, this cash is very liquid. So
12 within three business days of the last day of the
13 month would be enough time. By the 25th would be
14 good, by the 24th would be better.

15 MEMBER SONI: Our goal is trying to do it
16 by the 22nd or 23rd. We are just working through
17 calculations and we'll work with you on that.

18 MS. SCOTT: In the meantime, again, this
19 is worst case scenario. In the event we don't get
20 anything, I would have to raise this cash. That is
21 where I am looking for the motion to raise this
22 cash subject to modification.

23 MEMBER MURPHY: Mr. President, I'd like
24 to make the 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 Sheridan.

7 MEMBER SHERIDAN: 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: I am a yes.

15 Motion carries.

16 MS. SCOTT: With that, that concludes
17 Investments. We are moving on to the next item.

18 This is Jackie.

19 MS. VLAHOS: Expenditures. All the
20 expenditures, you have the ability to review those.
21 They are basically the normal monthly expenditures.

22 The only change that should have been
23 updated in BoardPaq is originally in the Budget we
24 had proposed to have a rental for a folder stuffer

1 machine. You can see on our expenditures you will
2 see that we have come to the conclusion, I think it
3 is a better option, we discussed with Mary Pat our
4 attorney as well as Executive Director, to purchase
5 this machine instead.

6 You are going to see that asterisk and
7 it's going to be labeled Quadient. I think it is
8 for \$10,000. That is the only thing I really want
9 to highlight. Any kind of rental that we have
10 already paid we will get credit into the future.

11 MEMBER MARTIN: Cash needs.

12 MS. VLAHOS: Cash needs. Lorna just
13 covered that. Cash needs was basically the same
14 thing as she was saying. We have a shortage for
15 cash of \$28 million. She just went over that.
16 \$28.7 million for the month of February.

17 Like Reshma had said as well, basically,
18 we're anticipating to have our non-real estate
19 taxes come in which the amount is like around \$23.3
20 million. With that, we will still need about \$5
21 million in property taxes in order to cover our
22 shortage for our cash.

23 Last year around February 19th is when we
24 started receiving those property taxes for the due

1 date for March 1st. And last year in February we
2 received approximately \$20 million in property
3 taxes.

4 Between the non-real estate portion, like
5 they were discussing for the 23.3 million, plus
6 property taxes, we would need an additional \$5
7 million. It seems likely we won't have to do a
8 draw down and that is what we are anticipating.

9 We still have on the next page the cash
10 flow projection showing that we could possibly need
11 a transfer of the \$28.9 but it is very unlikely.

12 CHAIRMAN FORTUNA: Thank you.

13 MEMBER MURPHY: Mr. President, I'd like
14 to make a motion to approve those administrative
15 expenses as they were presented.

16 MEMBER SHERIDAN: Second.

17 CHAIRMAN FORTUNA: There is a motion by
18 Trustee 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 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: I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Moving on to the
8 Legislative Report.

9 MR. WELLER: I have asked Brandon Phelps
10 from Phelps Barry to be here.

11 MR. PHELPS: Good morning, ladies and
12 gentlemen. Thanks for having me. I am Brandon
13 Phelps with Phelps Barry and Associates.

14 As you all may know, session was in full
15 swing. They were out last week because of the
16 weather but they are back in. House and the
17 Senate.

18 It is a very busy week with the House
19 having committee deadlines this week so everybody
20 in the House are trying to get their bills out
21 because we don't know if there is going to be any
22 extensions or not.

23 But we have spoken to the House pension
24 staff, the Senate pension staff, and numerous

1 legislators. At this time there are three bills
2 that are moving in the Senate that effects you.
3 There is only two bills that -- one has already
4 moved and one will be moving in the House.

5 At this time, in the Senate, there will
6 be Senate Bill 4053, Senate Bill 2952, Senate Bill
7 3177 and I will go through those with you real
8 quick. I know you are very busy.

9 Senate Bill 3137 is Leader Cunningham's
10 trailer bill. All we are doing or what he is
11 trying to do is reinstate the Age and Service
12 requirements for a refund.

13 Senate Bill 2952 is Senator Van Pelt's
14 bill. What it does it allows the Chicago City
15 Treasurer to appoint a designee in his or her
16 absence in all matters with the Laborers and
17 Retirement Board Employees Annuity and Benefit Fund
18 and also the Firemen's Annuity and Benefit Fund of
19 Chicago, that is all that does.

20 The last one in the Senate is Senate Bill
21 4053. It is Senator Martwick. This more or less
22 raises the annuity from 125 percent of the Federal
23 Poverty Level to 150 percent of the Federal Poverty
24 Level, that is all he is doing now.

1 Senator Martwick as you know has done a
2 lot of bills that effect you. This year he more or
3 less is focusing on the University Retirement
4 System and the State Employees System.

5 In the House, House Bill 3662, Leader
6 Evans. He has already passed that and it was
7 unanimous. That more or less amended the Workman's
8 Comp Act to add MRSA.

9 Also, the last bill that will be moving
10 in the House that effects you is House Bill 4488.
11 That is Representative Bill Gattos' bill and that
12 mirrors Senate Bill 2952 to allow the Chicago City
13 Treasurer to appoint a designee to those Pension
14 Boards in her absence or his absence.

15 With that, they are supposed to get out
16 April 8th. I don't know how they are going to do
17 that but they are going to be in there quite a bit
18 here in the last of February/March and then just a
19 little bit of April.

20 The rumor is if they do get out April
21 8th, they might have to come back to do some
22 cleanup maybe after the primary.

23 With that, I will take any questions.

24 MEMBER TEBBENS: Brandon, Rob Tebbens

1 here. What was the first bill again?

2 MR. PHELPS: Senate Bill 4053.

3 MEMBER TEBBENS: Refund cleanup?

4 MR. PHELPS: It just raises the annuity
5 from 125 percent to 150 percent of the Federal
6 Poverty Level.

7 MEMBER TEBBENS: 3177 is the one I was
8 talking about.

9 MR. PHELPS: 3177 was Leader Cunningham's
10 bill. It reinstates the Age and Service
11 requirements to get a refund. If a paramedic or
12 firefighter would leave your fund and go to another
13 department.

14 MEMBER TEBBENS: I am familiar it is
15 cleanup. What is the status of it right now?

16 MR. PHELPS: It's just moving. He has
17 got it in Committee. He's got a deadline coming
18 up. It has to pass by April 1st, Rob.

19 MEMBER TEBBENS: Is there a companion
20 bill in the House or anything?

21 MR. PHELPS: No. No, there wasn't.

22 MEMBER TEBBENS: Thank you.

23 CHAIRMAN FORTUNA: Thank you, Brandon.

24 We have to move real quick here.

1 MR. PHELPS: Thank you, everybody.

2 MEMBER MURPHY: Kelly, do you have
3 anything to include?

4 MR. WELLER: I do have a couple items to
5 report on and we do have one action item.

6 As we have done in the past, whenever
7 there is a new conference that is added to the
8 approved training and ethics list, we're going to
9 go ahead and keep an updated rolling list.

10 With that, there was an addition made in
11 February that the Board would need to vote on. I
12 am happy to go into more detail. It is a
13 comprehensive list.

14 With that, I would ask for a motion to
15 approve the amended training and ethics development
16 opportunities.

17 MEMBER MURPHY: I'd like to make a motion
18 to approve the revised list.

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 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: I am a yes.

9 Motion carries.

10 MEMBER MURPHY: I'd like to ask counsel
11 to represent any legal updates that she might have.

12 MS. BURNS: There is really nothing new.
13 We have one matter involving a widow.

14 Trustees might remember from December
15 2020 to May 2021 we dealt with the Rogers family.
16 We dealt with them in connection with a child
17 Jayden, who was reaching the age of majority. He
18 wasn't living with his parents anymore. He was
19 living with a brother and the Fund worked to make
20 sure that the brother who was an adult taking care
21 of his sibling was receiving the child's annuity
22 until Jayden hit 18.

23 It was a complicated process. We had
24 trouble really with the family getting them to sign

1 the requisite paperwork but all that worked out.

2 Fast forward, the mother, Ms. Rogers, who
3 is our widow's annuitant, her situation seems to be
4 deteriorating. Staff has done a great job. Lori
5 is outstanding in how she has handled this for this
6 woman.

7 The son is trying to move the account
8 into his name. Same elder son that I dealt with
9 with Jayden, the younger sibling. Matthew the
10 older son is trying to move the account into his
11 name, to his online bank, instead of having it go
12 directly to the mother who is suffering from some
13 age related illnesses.

14 What we want to ask you to do, because it
15 appears that the son may be exerting some improper
16 influence over the mother and it appears that the
17 mother, although the son says she is living with
18 him, Lori has verified with social workers, with
19 the Public Guardian, that this woman is actually in
20 a nursing home. She is living at Symphony
21 Southside Nursing Home for Rehabilitation.

22 We have been holding the annuity pending
23 presenting this matter to the Board. It would be
24 our recommendation that we continue to hold the

1 monthly annuity so that we make sure that the money
2 is going to the nursing home or to the son, if in
3 fact he is caring for the mother. But because
4 there is a Public Guardian that is going to be
5 appointed to help with this woman, we want to give
6 it some time to be able to make sure that the money
7 is being preserved and again going to be used in
8 her best interest because staff has some concern
9 that the son may not be using the money to advance
10 his mother's interest.

11 With that, unless there are questions,
12 consistent with this Board's authority to make sure
13 that its members are protected, it would be our
14 advice that the payments be formally suspended
15 pending resolution of this issue, with staff having
16 discretion, Kelly in particular, and after legal
17 signs off on it, to have those payments directed
18 either to the nursing home or to the Public
19 Guardian, if in fact the matter is resolved prior
20 to the next meeting.

21 MEMBER MURPHY: I would like to make a
22 motion based on the facts as presented by
23 counsel.

24 MEMBER SHERIDAN: Second.

1 CHAIRMAN FORTUNA: Motion by Trustee
2 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 Martin
10 MEMBER MARTIN: Yes.
11 CHAIRMAN FORTUNA: Trustee Tebbens.
12 MEMBER TEBBENS: Yes.
13 CHAIRMAN FORTUNA: I am a yes.
14 Motion carries.
15 MEMBER MURPHY: Mr. President, I'd like
16 to move on to old business or new business.
17 CHAIRMAN FORTUNA: Any old business? Any
18 new business?
19 MEMBER MURPHY: I would like to make a
20 motion to adjourn today's meeting.
21 MEMBER MARTIN: Second.
22 CHAIRMAN FORTUNA: There is a motion to
23 adjourn. All in favor?
24 (Chorus of ayes.)

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CHAIRMAN FORTUNA: 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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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

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
BRADY O'CONNELL, Callan Associates

1 MEMBER MARTIN: I hereby convene this
2 Investment Committee meeting for March 14, 2022.

3 Lorna, please call the roll.

4 MS. SCOTT: Trustee Murphy.

5 MEMBER MURPHY: Here.

6 MS. SCOTT: Trustee Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Here.

8 MS. SCOTT: Trustee Fortuna.

9 MEMBER FORTUNA: Here.

10 MS. SCOTT: Trustee Martin.

11 MEMBER MARTIN: Here.

12 Thank you. We have a quorum for today's
13 meeting.

14 Public Act 101-0640 and the Governor's
15 Disaster Proclamation dated March 4, 2022 allows
16 this meeting to be conducted by audio and
17 videoconference. The Act requires a roll call vote
18 on each matter acted upon. We are proceeding by
19 videoconference because we continue to believe that
20 due to the pandemic it is prudent to not physically
21 be present in the same space.

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 these

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

4 I'd like to now turn things over to Lorna
5 to proceed with our agenda.

6 MS. SCOTT: The first item on our agenda
7 is the Private Credit RFP. I'd like to turn that
8 over to Brady.

9 MR. O'CONNELL: Thank you, Lorna.

10 I will just spend a couple minutes here
11 with a quick review of what Private Credit is, why
12 we're talking about it and what why it was added to
13 the portfolio.

14 We have a few slides from the educational
15 session that we conducted on Private Credit and
16 what we're showing here on the first page is that
17 this is a new asset class.

18 So we have got an investment portfolio
19 that is well diversified. A lot of it is things
20 like stocks and bonds that we have had for a very
21 long period of time. But as time passes capital
22 markets evolve, new asset classes come into being
23 and Private Credit is one of those.

24 So after the Global Financial Crisis in

1 2008 and into 2009 banks severely cut back on the
2 amount of capital. Banks stopped lending to small
3 and middle market businesses. Businesses that were
4 typically too small to issue bonds or get bank
5 loans. So banks were over levered going into the
6 Financial Crisis. There were new regulations
7 placed on the amount that they can lend so it
8 created a new market that asset managers stepped
9 into. So that evolved into what we are calling
10 Private Credit these days.

11 It is basically asset management firms
12 lending to businesses in areas that used to be
13 banks and other financial institutions.

14 If we turn to the next page, there is a
15 couple of different sub-strategies that we will
16 talk about as this RFP progresses. The core of it
17 will be what we call direct lending, which is what
18 I just described. Issuing a loan to a business and
19 getting interest and then eventually principal
20 repayment on those loans.

21 We may talk about structured credit
22 within that as well, which is pooling of different
23 types of have securities.

24 Then to a lesser extent, we may make an

1 allocation to opportunistic or niche investments.
2 It does involve managers that will allocate to
3 distressed businesses.

4 So think about as we go through the
5 economic cycle and even now as we kind of maybe we
6 are moving towards an economic pullback, some
7 businesses will go through a cycle of being under
8 stress. If you loan them money, you may want a
9 higher interest rate or some equity in return. We
10 will look at the managers that may do some
11 distressed lending.

12 Then to a lesser extent something called
13 specialty financing, which is lending to certain
14 industries in particular. There is some that lend
15 to the shipping industry. Some that do aviation
16 finance. More kind of niche or specialty areas of
17 lending.

18 Then on the bottom right at the kind of
19 peer niche, there are things like life settlements
20 and lending for the purchase of royalties. We will
21 probably avoid that. Those are a little too
22 specialized but you will hear some of these terms
23 as we progress through the RFP. Direct lending,
24 distressed. Multi strategy is a manager who will

1 allocate to a lot of these different buckets.

2 Page 3 is a kind of a high level summary
3 of the pros and cons. We went over this when we
4 did this educational session. I think it's worth
5 repeating here again.

6 Why are we even talking about this?

7 First and foremost, you can get a higher interest
8 rate when you do direct lending then you can be
9 from buying bonds. This is in many ways a
10 replacement for traditional fixed income, except we
11 get a higher interest rate. It has a lower
12 correlation to some of the traditional asset
13 classes and because of that it gives us a better
14 risk adjusted return at the total portfolio level.

15 Some of the things that we need to worry
16 about or consider as we move forward with private
17 credit one is liquidity.

18 One of the reasons we are talking about
19 this now and one of the reasons we talk about
20 infrastructure is because the cash flow position of
21 the plan has improved considerably over ten years
22 ago.

23 In the past, we probably wouldn't have
24 been able to consider something like Private Credit

1 but now since we have cash flow coming in we can
2 invest in some of these illiquid asset classes and
3 earn a return premium that comes with that.

4 Much like Private Equity, Private Credit
5 has higher fees, so we are going to want managers
6 that will do a good job for us on a net of fees
7 basis. That is something we will look at as we
8 evaluate our fee responses.

9 And then this is a new asset class. As I
10 mentioned, it is about ten years old. It has grown
11 in popularity and interest so we always just want
12 to be cautious about whether or not there is too
13 much capital flooding in and lowering returns. We
14 don't think that is the case but we still want to
15 be prudent in moving forward with this asset class.

16 The last page, Page 4, it just shows
17 where this category fits in with the new asset
18 allocation that was adopted in calendar year 2021.

19 You can see towards the bottom, under
20 Alternatives, we added a 3 percentage point
21 allocation to Private Credit. As a result of this
22 RFP, we will be looking to find managers to fund
23 that. The overall objective, if you remember from
24 when we adopted that new asset allocation, was

1 finding a return, a portfolio, a new mix of asset
2 classes that gives us a better return at the same
3 unit of risk that we had with the previous target
4 and that is summarized at the bottom of the table
5 on Page 4 here.

6 I will pause and see if there is any
7 questions about the Private Credit background
8 before speaking to the RFP summary.

9 All right. So we have got a quick
10 summary here and we'll be seeking the Committee's
11 approval of a RFP for Private Credit as I just
12 mentioned. A 3 percent target in the investment
13 policy, that equates to about \$30 million. We're
14 looking for commingled funds either closed end or
15 evergreen funds. We will be talking about
16 targeting direct lending, structured credit,
17 distressed and special situations, as well as some
18 specialty finance and multi strategy.

19 The fund size that we're looking for is
20 about a billion dollars minimum so we want managers
21 that have a certain scale so that they can deliver
22 a diversified portfolio. We are not looking for
23 fund to fund products at this point.

24 We have established some minimum

1 requirements as we always do with these RFPs. We
2 want managers with at least \$3 billion and a three
3 year track record. So track record is in this
4 space because a new asset class tends to be
5 shorter. We want them to have at least two other
6 public pension clients and have at least two prior
7 funds and be raising at least a billion dollars in
8 the current fund. The fund's investment should
9 represent no more than 20 percent of the firm
10 assets or the product assets.

11 As always with these searches, these
12 minimum requirements are relaxed for diverse firms
13 so if those respond they don't have to meet these
14 minimum requirements. We don't anticipate a large
15 amount of that but obviously we're going to be open
16 to that.

17 As we always do with these RFPs, we did
18 this with infrastructure, once the Fund issues it,
19 it is posted on your website, it is posted on
20 Callan's website. We reach out to managers that we
21 have high regard for that we think are strong
22 candidates as well as any diverse candidates and
23 make sure that they are aware the RFP has been
24 issued and encourage them to respond.

1 That is the summary. We have got a
2 timeline laid out at the bottom. We would like to
3 issue it this week. The submissions would be due
4 in about five weeks and we would target
5 presentations and selections for some time this
6 summer.

7 Again, last month we issued an
8 Infrastructure RFP. We are talking about Private
9 Credit now. Callan will do a lot of the heavy
10 lifting for this. We have two separate teams that
11 cover those. We have no problem dealing with kind
12 of working these concurrently or in parallel to
13 some extent.

14 With that, again, I will pause and see if
15 there are any questions about the RFP summary or
16 the RFP itself.

17 MEMBER CONYEARS-ERVIN: Good morning,
18 Brady.

19 MR. O'CONNELL: Good morning.

20 MEMBER CONYEARS-ERVIN: I was going to
21 just let my fellow trustees know this is a topic
22 that has occurred with I believe every Pension Fund
23 in recent months so certainly a timely
24 conversation. Glad to know we're getting some

1 additional funds in. I don't know if I should say
2 additional or appropriate but funds that are being
3 received that we are able to make some investments
4 to be able to receive some hopefully additional
5 returns.

6 Just wanted to let everyone know that
7 this is a topic that has been discussed in just
8 about every Pension Fund.

9 MR. O'CONNELL: Thank you, Madam
10 Treasurer. I think that is a good point.

11 We did the Asset Liability Study in 2021.
12 The last time we did it in 2017 our outlook was a
13 lot different. We weren't certain whether
14 contributions were coming in and we were ramping to
15 the ARC. Now we're up there and we're getting
16 incremental cash flow, that really opens up the
17 investment opportunity set. We can now use tools
18 like Infrastructure and Private Credit that we
19 couldn't in the past and as Madam Treasurer said
20 these are asset classes are used by a lot of our
21 peer funds.

22 We just want to make our initial
23 allocations there and kind of continue operating in
24 a way that our peers have been able to but we

1 haven't historically but now can going forward.

2 It is really an outgrowing of the fact
3 that we now have much more foresight into the
4 contributions. The contributions have come in and
5 we have shifted to cash flow positive, which is a
6 huge change.

7 MEMBER MARTIN: Right. I think it is
8 good to go over the cash flow. I don't know if
9 Lorna or Jackie want to do that but our audited
10 Financial Statements are pretty clear. The City
11 contributions do exceed, not greatly but they do
12 exceed, our benefit payments. The growth that we
13 are seeing is mainly from about the size of
14 employee contributions and our investment returns.
15 The investment returns right now are kind of a
16 little bit challenged because of our current
17 environment. So that is something to consider as
18 we move forward.

19 Thank you. Lorna, do you have any
20 comment on that?

21 MS. SCOTT: I have nothing more to add,
22 no.

23 MEMBER MARTIN: Thank you, Madam
24 Treasurer. We are moving forward, Lorna.

1 MS. SCOTT: I think we're looking for a
2 motion then.

3 MEMBER MARTIN: Does someone want to make
4 that motion?

5 MS. SCOTT: A motion to recommend to the
6 Board to approve the issuance of the RFP.

7 MEMBER MURPHY: I will make the motion.

8 MS. SCOTT: Do I have a second?

9 MEMBER FORTUNA: Second.

10 MS. SCOTT: Trustee Martin.

11 MEMBER MARTIN: Yes.

12 MS. SCOTT: Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 MS. SCOTT: Trustee Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 MS. SCOTT: Trustee Fortuna.

17 MEMBER FORTUNA: Yes.

18 MEMBER MARTIN: Motion carries. We will
19 have that for the Board on Wednesday. Thank you.

20 MS. SCOTT: So the next item on the
21 agenda is a Review of Manager Guidelines. Brady,
22 do you want to take this one?

23 MR. O'CONNELL: Yes. Jackson Square is a
24 SMID cap growth manager. One of two that is in the

1 portfolio. Up until the last four or five months
2 when technologies pulled back, they have been one
3 of the Fund's strongest managers. Very good stock
4 picker. Really added a lot of value.

5 When we work with managers, we establish guidelines
6 that define what stocks they can buy and how much
7 risk they can take relative to the benchmark.

8 Lorna has been spearheading a
9 conversation with Jackson Square about their
10 guidelines and they have requested some of that be
11 amended to allow them to purchase securities that
12 are larger in market capitalization than the
13 previous set of guidelines would require.

14 So it is struck out here in red.
15 Previously there was a hard cap of \$10 billion in
16 market cap that the manager had to abide by so they
17 couldn't buy any securities that had a market
18 capitalization of over \$10 billion.

19 Now, if you think about how well the US
20 Stock Market has done, when we have just the static
21 dollar amount, the market is growing over time but
22 that dollar limit stays the same. It's effectively
23 limiting their ability to buy securities that they
24 want to buy.

1 So we worked with them, Lorna in
2 particular, and what we would like to propose is
3 the language here that ties their limit to the
4 range of their benchmark, which is the Russell 2500
5 Growth Index.

6 The new language is "stocks may be
7 purchased and/or held as long as the market
8 capitalization is within the range of the Russell
9 2500 Growth Index at the time of initial purchase
10 and the weighted average market cap of resulting
11 portfolio is within plus or minus 50 percent of the
12 weighted average market cap of the index".

13 Translating that in English a little bit,
14 they can buy anything that is the same size of the
15 Index, but we want to make sure when it is added to
16 your portfolio that it doesn't move us too far from
17 the Index. It is kind of a belt and suspenders
18 type of approach to making sure that this portfolio
19 stays similar to the benchmark that we are using to
20 track them against.

21 MEMBER CONYEARS-ERVIN: Brady, let me ask
22 you this, and Lorna, is this an anomaly?

23 MR. O'CONNELL: I wouldn't say so. This
24 is a change that aligns our guidelines with the

1 other guidelines that the manager has for
2 portfolios like this that they manage on behalf of
3 other clients.

4 So we have had them for a while and they
5 made this request to align with their other small
6 mid growth portfolios.

7 Lorna and I are comfortable endorsing
8 this because we do think this is a tool that they
9 should have the ability to use. That they have
10 shown themselves as strong stock pickers, the last
11 several months notwithstanding, we think they have
12 the skills. We think they deserve this discretion
13 and we're comfortable amending the guidelines to
14 allow them to purchase securities that are larger
15 in market cap than they would have historically.

16 MEMBER CONYEARS-ERVIN: So, Sarah, I was
17 thinking in the motion that, if the other Trustees
18 did want to go ahead with the motion with this, we
19 would say per the advice of the investment
20 consultant and Investment Officer.

21 MS. BOECKMAN: Yes, ma'am. The Committee
22 Chairman has a draft motion that includes that
23 language. Thank you for that recommendation.

24 MEMBER CONYEARS-ERVIN: Thank you.

1 MEMBER MARTIN: Lorna, do you have any
2 other comments?

3 MS. SCOTT: I do not. Brady covered
4 everything. I think we're looking for the motion
5 then.

6 MEMBER MARTIN: Any other trustees have
7 any comments on this issue?

8 Since there is no other comments, I'd
9 like to make a motion to approve the recommendation
10 to the Board to modify the Investment Manager
11 Guidelines as presented and recommended by staff
12 and our investment consultant. Is there a second?

13 MEMBER MURPHY: Second.

14 MEMBER MARTIN: Seconded by Trustee
15 Murphy.

16 Trustee Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 MEMBER MARTIN: Trustee Fortuna.

19 MEMBER FORTUNA: Yes.

20 MEMBER MARTIN: Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 MEMBER MARTIN: I vote yes. Motion
23 carries.

24 We are going to give an update regarding

1 world events and foreign investment exposure
2 discussion and possible action regarding
3 recommendation to the Board regarding foreign
4 investment exposure.

5 Lorna, do you want to take this away to
6 start with?

7 MS. SCOTT: Yes. Given the recent world
8 events, I want to talk about our investments in
9 Russia. This first slide sums up our total
10 investments in Russia.

11 We have four managers across five
12 portfolios that have positions in Russian stocks
13 and bonds.

14 You will note that William Blair macro
15 allocation fund is a fund holding. It is not a
16 separate account. It is an indirect holding and we
17 can't tell a manager what to buy and sell in this
18 one. We don't control the position.

19 We have been asked what is our exposure
20 to Russia, that is answered by this last column.
21 As of March 10th, our market value of our positions
22 in Russia was about \$1.2 million, that represents
23 0.13 percent of the total fund. It is a very small
24 amount.

1 But this answer reflects the recent write
2 down of the market value. It doesn't really tell
3 you how much we really invested in Russia's stocks.
4 That is more captured by this book cost number.

5 As of March 10th, we had about \$5 million
6 invested in Russia, that is now worth \$1.2 million.
7 That has been a lot of value that has been written
8 off. It is mainly unrealized at this point in time
9 so meaning it is paper losses. Even then this \$1.2
10 million is actually being priced by Northern Trust
11 who uses the last trade price. So this number
12 could be very, very high. But at least gives us a
13 starting point as where we were as of March 10th.

14 I also looked at our position as of
15 January 31st. I used values of what we had
16 invested, what our exposure was prior to the
17 invasion. We had positions valued at \$9 million or
18 just less than 1 percent of the total fund.

19 You will notice as risk increased in the
20 market, we had one manager William Blair who acted
21 very quickly to sell down their positions.

22 To recap, we have a very small amount
23 invested in Russia. Again, we invested \$5 million.
24 It is not worth as much now.

1 So what can we do? I reached out to the
2 three managers, LSV, Brandes and Western, for their
3 views.

4 LSV said the only option we can do is to
5 hold. We can't trade and they have no intention of
6 adding any new investments in Russia at this point
7 in time.

8 Brandes as well said you can't do
9 anything but hold. They agree that risk has
10 increased and so therefore they won't be making any
11 new investments in Russia either.

12 Western, same line, hold. They will do
13 no new investments either. At this point they
14 believe that most of the pain has been felt by the
15 market and they actually hope to manage the exits
16 in a way they can recoup some of the value that has
17 been written off. They'd like to be able to trade
18 into a rally. The ultimate goal, of course, is to
19 sell down and not hold any more Russia.

20 If we look at the market, just a recap
21 where it stands today. Foreign holders are blocked
22 from trading. The index providers have removed the
23 Russian securities and debt from the various
24 indices. And all payments, all dividends, coupons

1 and settlements is all blocked to nonresidents.

2 It is back to that question so what can
3 we do? We can't transact or we're very limited in
4 what we can do. We can continue to monitor our
5 positions and stay in contact with our investment
6 managers. Prudently exit these positions as they
7 hope to recapture some of the written off value.

8 As legal likes to remind me, our managers
9 are our fiduciaries so we can respect their process
10 and let them execute in a way that maximizes the
11 value for our participants.

12 To recap one more time, we have a very
13 small position and we all are monitoring these
14 positions.

15 So, Brady, do you want to talk about what
16 you see other clients doing?

17 MR. O'CONNELL: Yes. A lot of public
18 funds out there, you know, the first order of
19 business was understanding the exposure, working
20 with managers to figure out how to handle those
21 going forward and then there's been statements as
22 to kind of how to handle these going forward.

23 You are like all other institutional
24 holders of equities of Russia or bonds. The market

1 in Russia has been closed. There's been no way to
2 transact. It has really been a symbolic gesture to
3 say our managers have indicated they don't want to
4 initiate any further exposure so we're not going to
5 allocate any more. If you say you're going to
6 divest, it is really like I said symbolic. You
7 can't actually sell these things right now.

8 We suspect once the market is open they
9 may be written down further. They may be written
10 off entirely. These positions in Russian stocks
11 and bonds are being removed from the benchmarks
12 that the managers use. So we heard a comment from
13 LSV that they are not going to initiate new
14 allocations because it is not in the benchmark
15 anymore.

16 It is not necessarily going to impact the
17 managers' performance relative to the benchmark but
18 we may have to look at these holdings on our books
19 for a little while until we figure out a way to
20 sell them and it's just not possible in the market
21 today.

22 The losses that we have had in this due
23 to direct exposure I think are a small part of the
24 way that this event has impacted our portfolio. We

1 have a much bigger allocation to stocks that trade
2 in the U.S. Domestic equities, those have even
3 sold off.

4 The Russian holdings are small. We'd
5 like to get rid of them but we can't. These losses
6 I think are really just part of the overall
7 portfolio and when we think about these being
8 written off we just want to think about them in the
9 broader context of the diversified portfolio of
10 assets that we have.

11 MS. BOECKMAN: Is it fair to say, Brady,
12 that your recommendation right now is that we
13 continue to oversee our managers in their process
14 that they currently have in place to exit these
15 positions and make sure that they are doing it in a
16 fiduciarily prudent manner? But really other than
17 that, we are just going to continue to oversee and
18 you will continue to report back to the Committee
19 and the Board with respect to what the situation is
20 and how it continues to evolve?

21 MR. O'CONNELL: That is correct.

22 MEMBER MARTIN: They are going to monitor
23 it and they can report to us on a monthly basis.

24 Are there any comments by Trustees?

1 MEMBER CONYEARS-ERVIN: I would say thank
2 you because this is an extremely important topic.
3 Certainly one of my priorities right now. So this
4 was a really good conversation to have and I
5 appreciate the press statement.

6 I think something Lorna said, going on to
7 Page 3 on this slide, I think our managers have
8 suggested to us that they really need to hold
9 anyway because as Brady said the restriction of the
10 transactions right now at this point that if we
11 even wanted to trade we would not be able to.

12 Every manager I have noticed have stated
13 the invasion of Ukraine has changed their view and
14 they will not consider any new Russian investments
15 at this time. I think the previous manager said
16 the same thing. We will not make new purchases.
17 We will not make new purchases of Russian
18 securities on behalf of clients.

19 So each manager one after one is saying
20 that very same thing. So I think that is important
21 and as long as our investment consultants are
22 continuing to follow this and our Investment
23 Officer and reporting back to the Board, that is
24 helpful. It's good to know the commitment from our

1 managers because that is where we stand as a board.

2 MS. SCOTT: Perfect.

3 MEMBER MARTIN: I wanted to say I think
4 staff and our investment consultant and fund
5 counsel when this first came up a couple of weeks
6 ago we were on it. We have had long discussions on
7 it. I think we were prepared for any inquiries
8 that came our way and for the most part this is
9 where we have been. Everybody did great. Thank
10 you.

11 With that, the statement that we have is
12 the current statement for anybody that has any
13 inquiries. "Our members are dedicated to serving
14 and protecting the public so of course the Board
15 stands in solidarity with the brave people of
16 Ukraine. Consistent with our fiduciary duties, the
17 Board has directed its investment staff and
18 investment consultant to report to the Board as to
19 the nature and extent of any holdings that the Fund
20 may have in Russia owned or domiciled companies.
21 As of today, we believe that the Fund has less than
22 0.3 percent of its assets invested in Russian
23 companies and we will continue to monitor this very
24 important subject."

1 With that, I think we can move on to the
2 next item the Investment Report. Lorna, do you
3 want to go through that?

4 MS. SCOTT: We are into the Investment
5 Report. This first report kind of falls under the
6 review of the Investment Policy Statement that we
7 do on an annual basis.

8 Within the Investment Policy Statement
9 and within the Manager Guidelines, we have
10 performance targets for our managers. These
11 targets are typically discussed when there is under
12 performance and then that manager is put on watch.
13 Or, if a manager is doing really, really well, it
14 is highlighted as part of Callan's quarterly
15 report.

16 I thought we needed a formal review to
17 review the specific targets in the IPS and the
18 Manager Guidelines. This report is this kind of
19 formal review.

20 We will start by looking at the
21 objectives that are stated in the Guidelines.

22 For the most part, our Guidelines require
23 the managers to outperform the benchmark and we
24 actually have specific hurdles by how much they

1 should outperform the benchmark. Most of these are
2 between 50 and 100 basis points. Global REITS is
3 200 basis points. Also within the Guidelines,
4 we're asking our managers to rank in the upper 50
5 percentile or the 33 percentile of their peer
6 group.

7 Then within the Investment Policy
8 Statement, there is a statement there that we ask
9 our managers to display an overall level of risk
10 consistent with the benchmark.

11 We have multiple objectives. There is
12 performance, there is peer group rankings, there is
13 risk.

14 My approach was to assign each manager a
15 grade. This is the criteria of how an order of
16 importance. Any manager with performance less than
17 five years did not get graded. After that I gave
18 more importance to the achievement of the objective
19 over the long-term versus the short-term. And as
20 far as risk goes, I was looking for a risk
21 differential of around 2 percent.

22 After that all I had to do was create a
23 spreadsheet. Download the data. Setup traditional
24 formatting so that anything in red is under

1 achieving and anything in green is achieving. Then
2 after that I assigned a grade just based on the
3 amount of green and red that you see. Of course, a
4 reminder that the longer term criteria is more
5 important than the shorter term criteria.

6 Looking at U.S. equity, the most
7 important thing is are they outperforming since
8 inception net of fees. We have three managers that
9 are not.

10 Globeflex is already on watch. Then
11 there is Logan and Brown Advisory and I have talked
12 about these managers before and they are showing
13 pretty consistent underperformance since inception.
14 This is something that Callan and I will be talking
15 about as we are considering the U.S. equities
16 structure review. In the short term, I have given
17 those managers D's.

18 You will note our A's. Newton is doing
19 very well. Almost all green. Their volatility is
20 just slightly higher than what I was looking for as
21 far as the 29 percent. Not that high that I would
22 not given them an A.

23 Then we have Neuberger Berman who is
24 solid green all the way across. You will notice

1 their volatility is less than the benchmark. They
2 are actually not as volatile as the benchmark and
3 they are still giving us solid performance and
4 ranking very high against their peer group. Again
5 an A.

6 Kennedy, they are also all green, but
7 they are currently on watch due to a Portfolio
8 Manager change.

9 So we will keep all of the managers on
10 watch and that on watch status will be discussed in
11 line with the U.S. equity structure review.

12 Looking at the non-U.S. managers, we have
13 two managers who have under five years performance
14 so we won't give them a grade.

15 We have William Blair who is all green
16 but I am gave them a B and that is primarily
17 because they are not meeting that 50 basis point
18 outperformance here.

19 Fixed income. Again, all green for the
20 most part. Ernest is showing up red versus their
21 peer groups. That's not unexpected given their
22 strategy is much more conservative and it is more
23 conservative versus the Loomis and Westerns of the
24 world, which is a nice counterbalance to the more

1 riskier areas that Loomis and Western will go
2 into. Also, against their peer group, they are
3 more conservative so this isn't unexpected. It
4 works well with our portfolio given how Loomis and
5 Western trade.

6 We have PIMCO. Here I rated them a C and
7 it is primarily due to their ranking is lower than
8 we want them to be and they take on more volatility
9 than the benchmark as well. That covers that
10 review.

11 MEMBER CONYEARS-ERVIN: You said there
12 will be more discussion in regards to Logan and
13 Brown?

14 MS. SCOTT: Yes. Part of the asset
15 allocation review is a consideration of how we want
16 to structure our U.S. equity managers. Whether it
17 is the number of managers, whether we want to go
18 active or passive.

19 So this kind of performance in large
20 growth is a factor to consider whether perhaps we
21 should be more passively oriented in large growth.
22 That is kind of where the discussion will come up.

23 MEMBER MARTIN: I think this is a really
24 good comment. I think Brady can reference this.

1 The markets like in large cap are much more
2 efficient than they are in both mid-cap and small
3 cap. That is where you get the inefficiency and
4 the greater opportunity for return. It is a good
5 discussion to have, Lorna. It's just a matter when
6 you want to address that.

7 MS. SCOTT: Yes.

8 MR. O'CONNELL: That project is under
9 way. We have been meeting with the managers on
10 watchlist.

11 This phenomenon of large growth managers
12 underperforming isn't unique to this fund. That is
13 the one asset class where you mentioned, Tony, is
14 the absolute hardest. About 80 percent of large
15 cap growth managers have lagged the benchmark.

16 I think in the past we talked about Brown
17 Advisory. They said we're not going to invest any
18 more than 5 percent of the portfolio in one
19 holding. We want to be diversified.

20 Right now the Russell 1000 Growth has
21 about 11 or 12 percent in Apple. They could own 5
22 percent and still be underweight. They think that
23 is going to turn around and eventually they will be
24 rewarded for being more prudent from a

1 diversification standpoint.

2 MEMBER MARTIN: That goes into the
3 discussion that we have had with Lorna. We have
4 had these long discussions on growth versus value.
5 Historically, it's been a great run for growth over
6 the last ten or so years. Maybe there will be a
7 reversion. Just a matter of how this plays out.

8 I am sure we're going to get there,
9 Lorna. This is really a great discussion. Just a
10 matter of when and how we're going to get there.
11 When do you think we will be ready to have that
12 discussion?

13 MR. O'CONNELL: I did make a note to
14 check on the status of that. We are talking about
15 in a month or four to six weeks.

16 MEMBER MARTIN: Okay. Four to six weeks
17 and we'll be in the middle of these RFPs as we are
18 moving forward. Okay.

19 Does any Trustee have any comments on
20 this subject or this area or any other comments on
21 performance?

22 MS. SCOTT: This is performance as of
23 December. I am going to jump into performance as
24 of February.

1 As I move into the March investment
2 report, a reminder that we did issue the RFP for
3 Infrastructure. We're in a quiet period.

4 As he said, the RFP was posted to his
5 website, to our website. I also posted an ad in
6 P&I.

7 We did receive four RFP questions. Those
8 answers have been posted on our website. We do get
9 questions on the fiduciary requirements, that can
10 be a really sticky point during contracting.
11 Hopefully, maybe we won't have as much sticking
12 points this time but we will see. Hopefully, we
13 will get a lot of responses. Those responses are
14 due April 1st.

15 From performance, I am not going to spend
16 a lot of time on performance since we are only two
17 months in. I will plan on doing a more detailed
18 attribution at April's meeting.

19 This slide shows you the year-to-date
20 performance for the asset classes where we are
21 invested. There is clearly one standout asset
22 class and that is commodities. It's up 15.6
23 percent year-to-date.

24 Looking at equities, you can see U.S.

1 equities are underperforming the non-U.S. equities
2 positions and within U.S. equities you can see how
3 growth is way underperforming value.

4 Looking at fund performance gross of
5 fees, so the Fund declined 1.5 percent in February,
6 that is in line with the benchmark. That brings
7 our year-to-date return, we are down 6.3 percent
8 underperforming the benchmark which is down 5.1
9 percent. Our underperformance is primarily due to
10 domestic international equity performance.

11 Our MWDBE Summary. We have got no
12 changes here. Again, MWDBE will be part of the
13 U.S. equity structure review.

14 MEMBER CONYEARS-ERVIN: Hold on one
15 second. You are just showing us the numbers.

16 MS. SCOTT: We have a goal of 7 to 10.
17 We only have 3 percent allocated in emerging. From
18 a total MWDBE perspective, we have a goal of 12 to
19 24 or actually 24.7 percent. So we are above goal
20 in our total allocation but under target within our
21 emerging allocation.

22 Part of the U.S. equity structure, we
23 will consider if there are areas where we can
24 pickup where there is good performance from

1 emerging MWDBE managers.

2 MEMBER CONYEARS-ERVIN: Okay.

3 MS. SCOTT: Actually, this is a more
4 detailed information on performances. We can
5 actually use this table for a quick attribution.

6 What is highlighted in yellow are the
7 Fund's largest allocations. These allocations will
8 be the primary determinate of Fund performance.

9 When you look at the year-to-date number,
10 we are pretty much in line with the benchmark for
11 fixed income. Underperformed in Global ex-U.S.
12 equity. Underperformed in U.S. equities. It is
13 this underperformance that is contributing to our
14 underperformance year-to-date.

15 If you want to break it down and look at
16 the sub-asset classes, you can look at the
17 benchmark here. The goal was negative 8.3 percent.
18 Anything that is worse than that actually would
19 hurt us. Looking at large value, being allocated
20 to large value, which performed negative 3.5 was
21 good versus the 8.3. Then we had strong manager
22 performance that helped as well.

23 Compare that to growth, 8.3 to 12.5 being
24 allocated in large growth hurt us and our active

1 managers didn't do as well either. Being allocated
2 to large growth and active management there
3 detracted.

4 That same story applies for small SMID
5 growth. Being allocated to small mid growth, again
6 versus the 8.3, detracted. Our asset managers
7 detracted there.

8 Again, this is a very quick way to figure
9 out how we performed versus our benchmark.

10 Now we have additional information on the
11 manager performance.

12 MEMBER CONYEARS-ERVIN: Can we expand
13 that right there on that page?

14 MS. SCOTT: Yes. Logan and Brown that we
15 talked about before that is a concern. These are
16 all gross of fees. The net of fee number would be
17 take this number and subtract it from this bottom.

18 MEMBER MARTIN: To some extent, Lorna,
19 some of this is to be expected given the current
20 environment. We know it is not just world events
21 but in the rising interest rate environment
22 generally value is going to outperform growth and
23 it is kind of reflected in those numbers pretty
24 well.

1 MEMBER CONYEARS-ERVIN: Actually, I have
2 felt that -- you are right there right where I am
3 at. I wanted Callan to chime in on this. We are
4 just as a board seeing negative interest rates and
5 we're all quiet because we also know with the
6 market, and mind you I am looking at these negative
7 numbers in all of the Pension Funds that I am a
8 Trustee on, I don't like to take that for granted.

9 I think we should talk about what is the
10 current market and how just about everyone is
11 seeing these type of returns. I did want Callan to
12 chime in on that.

13 MR. O'CONNELL: Thank you, Madam
14 Treasurer. Seven out of ten years the S&P 500 has
15 a positive return. So we know over the history,
16 close to 100 years, that two-thirds of the time at
17 least we are going to see a positive return from
18 our stocks. A third of the time, three out of ten
19 years roughly, we are going to see a negative
20 return.

21 We are a long-term investor. We try not
22 to get too excited when we had great returns in
23 2020 and 2021. We want to be patient when we look
24 at the decline and know that since we are in a cash

1 flow positive standpoint, we don't need to sell
2 stocks that have gone down in price to pay
3 benefits. In 2008/2009, we had to do that.

4 Now we're in a position where we can take
5 some of those cash flows that are coming in and use
6 those to pay benefit payments.

7 I would encourage the Board and the
8 Investment Committee to embrace that long-term
9 horizon, which is a strategic advantage that we
10 have as investors.

11 Lorna and I and the team at Callan are
12 monitoring the portfolio. We are certainly looking
13 at how managers perform. Some of these managers we
14 would expect to do well in down markets. You may
15 recall, we have had that discussion about some of
16 these active managers where when there is a year of
17 negative returns they protect on the downside. Not
18 all of them, some of them.

19 It is early days in this market and there
20 are some unique circumstances so we have got the
21 geopolitical events that we already discussed. We
22 have interest rates that are set to start going up
23 this week as the Federal Reserve takes action.

24 We are staying on top of things. We

1 don't think there is any need to adjust course at
2 this point but I appreciate the question and we'll
3 advise the Board if anything comes up.

4 MEMBER MARTIN: I would like just to
5 comment on that. I know historically this fund
6 over the past 30 years we have had a value tilt,
7 right. And there is an awful lot of education and
8 data. You can see the last 50 or 80 years it shows
9 that value generally outperforms growth.

10 Now, growth has done incredibly well. We
11 have benefitted from it immensely while value has
12 underperformed over the past several years.

13 I would like the discussion going forward
14 where we were, where we are and what we should do
15 going forward. Especially, because I do believe
16 the pendulum is going to swing. We have a long
17 time horizon and since one generally outperforms
18 the other over a long time horizon, I'd like to see
19 a pretty solid recommendation concerning the future
20 direction of our allocation in those asset classes.

21 MR. O'CONNELL: Yes. It is a great point
22 and a point well taken. This fund, as a reminder,
23 you know, we have been looking at this for a long
24 time. It may not be apparent to everyone that the

1 way we differ from peers is our use of active
2 management. In a lot of other pension plans, they
3 have used index funds for most of the U.S. equity
4 asset class.

5 We have opted for active managers for
6 most of the categories. We have two managers that
7 are paired up with different styles. If you look
8 at Jackson Square and Globeflex, as an example,
9 they have very different approaches to that same
10 general style. We put them together on purpose so
11 that when one is down the other might be up.

12 As part of this process of revisiting the
13 asset class, we're going to look at growth versus
14 value. We are going to look at active versus
15 passive. We are going to take a fresh look at
16 these managers that are on watchlist. Maybe some
17 that should be.

18 And then, lastly, you may recall we had
19 to terminate a manager a year and a half ago or
20 maybe it was last year. We placed that money in an
21 index fund temporarily. We are going to look at
22 where we can redeploy money in active management.

23 As Lorna had indicated, a focus in that
24 would be making sure that we can identify strong

1 MWDBE candidates to bring to the board for
2 consideration when we do those searches.

3 MEMBER MARTIN: I like the Northern Trust
4 Flash report for a reason. A few months ago I
5 really had to smile. The reason I smiled is
6 because every asset class you had one manager was
7 black, they were outperforming the Index, and then
8 the next manager was red. It was like perfect.
9 That is exactly the way our portfolio was designed
10 to operate. One was more concentrated than the
11 other. It was good to see because we were doing
12 well and the Fund has done well. I really respect
13 the advice and the direction that we have taken. I
14 just hope that as we move forward everyone needs to
15 understand when you see red in a specific asset
16 class, that actually might be by design the way
17 this portfolio was constructed.

18 MR. O'CONNELL: I think that is as an
19 excellent point. When you see underperformance,
20 either at the manager level or an asset class, it
21 is often by design. We diversify. We buy a bunch
22 of different asset classes because we don't know
23 which one is going to perform best. Some will
24 underperform and others will outperform and our

1 goal is to have a smoother ride within the asset
2 classes as well with the portfolio over time. This
3 is really when you see that underperformance that
4 is what diversification looks like.

5 MEMBER MARTIN: Sounds great. That is
6 why, Lorna, one of the reasons why I have always
7 liked that report. Thank you. Moving on.

8 MS. SCOTT: I have one last report and
9 this is the rebalancing template. We don't have to
10 raise cash but I do use this report to show asset
11 allocation.

12 Looking at this last column at the very
13 end, that is the difference between our actual
14 allocation versus the model. Just a remainder the
15 model here is the new model that was adopted in
16 December so we're going to be off target until some
17 of these RFPs have been completed.

18 Where we stand today looking at the
19 variance is that we have too much equity.
20 Overweight 2.3 percent. That is offset by not
21 enough fixed income. That is primarily due to this
22 Private Credit 3 percent allocation that hasn't
23 been completed.

24 So that is where we stand on asset

1 allocation. With that, now I am finished.

2 MEMBER MARTIN: Very good. Given that,
3 consistent with Public Act 91-0715 and reasonable
4 constraints determined by the Board of Trustees, at
5 each regular meeting of the Board or its committees
6 that is open to the public, members of the public
7 may request a brief time to address the Board or
8 committee on relative matters within its
9 jurisdiction.

10 Are there any requests from the public to
11 comment today?

12 MR. WELLER: In order to comment, please
13 press star six.

14 MEMBER MARTIN: Hearing none, we will
15 move on.

16 Is there any old business to discuss
17 today or any new business from any Trustee?

18 MEMBER CONYEARS-ERVIN: Not to prolong, I
19 heard Lorna say looking at the rebalancing template
20 that we have don't have to raise cash. That just
21 sounded great, that made my day, by the way.

22 MS. SCOTT: Just on that note, last month
23 we received contributions. I did raise like 2 and
24 a half million in cash. We didn't have to raise

1 the full \$25 million last month. We got
2 contributions late in the month. It was a good
3 month last month, too. But, yes, no cash this
4 month.

5 MEMBER MARTIN: Very good. That is great
6 news.

7 Given that there is no further old or new
8 business, I'd like to entertain a motion to
9 adjourn.

10 MEMBER MURPHY: Motion to adjourn.

11 MEMBER FORTUNA: Second.

12 MEMBER MARTIN: All in favor?

13 (Chorus of ayes.)

14 MEMBER MARTIN: Everybody have a great
15 day and see everyone on Wednesday.

16

17 (WHICH WERE ALL THE PROCEEDINGS

18 IN THE ABOVE-ENTITLED MEETING

19 AT THIS DATE AND TIME.)

20

21

22

23

24

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

IN THE MATTER OF)
MEETING NO. 1096)

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

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

BRADY O'CONNELL, Callan Associates

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

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

3 Please, Mr. Secretary, roll call.

4 MEMBER MURPHY: Trustee Martin.

5 MEMBER MARTIN: Here.

6 MEMBER MURPHY: Trustee Sheridan.

7 MEMBER SHERIDAN: Here.

8 MEMBER MURPHY: Trustee Tebbens.

9 MEMBER TEBBENS: Here.

10 MEMBER MURPHY: Trustee Fortuna.

11 CHAIRMAN FORTUNA: Here.

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

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

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

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

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

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

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

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

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

21 MR. MORALES: Nothing as of right now.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 benefits.

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

6 Now that you are --

7 MR. PHILLIPS: I am aware.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 MEMBER TEBBENS: I have to make sure that

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

7 MS. BURNS: I am very aware.

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

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

12 MEMBER VALENCIA: I am here, too.

13 CHAIRMAN FORTUNA: Thank you.

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

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

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

20 MR. MORALES: No.

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

24 CHAIRMAN FORTUNA: Let the record reflect

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

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

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

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

19 MEMBER MARTIN: Second.

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

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

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

16 to make a motion to approve the Minimum Formula

17 Annuities starting with Member 16092 and ending

18 with Member 13971.

19 MEMBER SONI: Second.

20 CHAIRMAN FORTUNA: There is a motion by

21 Trustee Murphy. Seconded by Trustee Soni.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to C, I would

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

17 Annuities starting with Member 10084 through Member

18 08934.

19 MEMBER MARTIN: Second.

20 CHAIRMAN FORTUNA: There is a motion by

21 Trustee Murphy. Seconded by Trustee Martin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to D, Refunds.

16 I would like to make a motion to approve the

17 Refunds for Member 19322.

18 MEMBER CONYEARS-ERVIN: Second.

19 CHAIRMAN FORTUNA: There is a month for

20 Refund by Trustee Murphy. Seconded by Trustee

21 Conyears-Ervin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: Trustee Valencia.

12 MEMBER VALENCIA: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to E, I would

16 like to make a motion to approve the Death Benefits

17 for Member 11194 through Member 15634.

18 MEMBER TEBBENS: Second.

19 CHAIRMAN FORTUNA: There is a motion by

20 Trustee Murphy. Seconded by Trustee Tebbens.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

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

1 CHAIRMAN FORTUNA: Trustee
2 Conyears-Ervin.

3 MEMBER CONYEARS-ERVIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee Martin

7 MEMBER MARTIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

14 MEMBER MURPHY: Under G, Benefit

15 Recalculations. There are none this month.

16 Moving on to H, Guardianship. There are

17 two this month for Member 05685 and Member 09261.

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

19 these matters, based on the staff's confirmation

20 that all the paperwork required by the Fund has

21 been received.

22 MEMBER VALENCIA: Second.

23 CHAIRMAN FORTUNA: There is a motion by

24 Trustee Murphy. Seconded by Trustee Valencia.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Martin

11 MEMBER MARTIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Under 2, Reside Out of

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

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

21 MEMBER SONI: Second.

22 CHAIRMAN FORTUNA: There is a motion by

23 Trustee Murphy. Seconded by Trustee Soni.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Soni.

8 MEMBER SONI: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

15 CHAIRMAN FORTUNA: I am a yes.

16 Motion carries.

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

20 MEMBER MARTIN: Second.

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

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee Martin

7 MEMBER MARTIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

14 MEMBER MURPHY: Under Administrative and
15 Court Orders, I would like to make a motion to
16 approve the QILDRO order listed on the docket for
17 Member 016355, based on the staff's confirmation
18 that all the paperwork required by the Fund to
19 process said order has been received.

20 MEMBER TEBBENS: Second.

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

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.

2 MEMBER SHERIDAN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: I am a yes.

12 Motion carries.

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

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

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

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

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

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

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

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

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

5 MEMBER MURPHY: Second.

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

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Soni.

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

22 MEMBER MARTIN: Outstanding.

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

24 CHAIRMAN FORTUNA: Trustee Valencia.

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

3 MEMBER SONI: Thank you.

4 CHAIRMAN FORTUNA: I vote yes.

5 Motion carries.

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

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

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

16 Good morning, Mr. Williams.

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

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

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

5 MR. WILLIAMS: Yes, sir.

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

10 MR. WILLIAMS: Yes, sir.

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

17 MR. WILLIAMS: Yes, sir.

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

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

3 MR. WILLIAMS: I do.

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

6 (Witnesses sworn.)

7 STEVEN WILLIAMS

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

10 EXAMINATION

11 BY MR. PINELLI:

12 Q Please, state your name.

13 A Firefighter Steven Williams.

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

16 A Yes. Firefighter EMT.

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

19 A Squad 1.

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

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

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

3 A Yes, sir.

4 Q Did you have a chance to review them?

5 A I did.

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

9 A I do not.

10 MR. PINELLI: Thank you.

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

14 CHAIRMAN FORTUNA: Admitted without
15 objection.

16 MR. PINELLI: Thank you.

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

19 BY MR. PINELLI:

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

24 A That is correct.

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

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

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

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

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

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

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

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

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

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

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

7 A No worries. I was at the end.

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

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

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

17 A I landed on my feet and fell.

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

23 A No.

24 Q And then you touched on some of the

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

4 A That is correct.

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

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

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

10 A Physical therapy at this time.

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

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

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

18 A No.

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

21 A No.

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

1 duties with the Fire Department?

2 A Not to a full capacity, no.

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

5 CHAIRMAN FORTUNA: Trustees, any
6 questions?

7 MEMBER MURPHY: No questions.

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

10 MR. PINELLI: Thank you.

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

14 MR. CARBONNEAU: I am on the line.

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

17 (Witness sworn.)

18 THOMAS CARBONNEAU

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

21 EXAMINATION

22 BY MR. PINELLI:

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

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

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

6 A Yes, sir.

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

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

12 A Yes, sir, I was.

13 Q What was your rank at that time?

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

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

18 A Yes, sir, I was.

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

21 A I certainly was.

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

24 A I have.

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

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

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

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

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

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

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

3 EXAMINATION

4 BY MR. PINELLI:

5 Q Please, state your name.

6 A Daniel Samo.

7 Q You are a physician, is that correct?

8 A Yes.

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

11 A Yes.

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

15 A Yes.

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

18 A Yes, I did.

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

21 A Yes.

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

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

1 telephonic interview.

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

5 A Yes.

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

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

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

20 A No, I do not.

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

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

1 Hearing none, Vince.

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

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

8 MR. PINELLI: Thank you.

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

12 MEMBER VALENCIA: Second.

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

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: I am a yes.

5 Motion carries.

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

12 MEMBER TEBBENS: Second.

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

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: Trustee Valencia.

3 MEMBER VALENCIA: Yes.

4 CHAIRMAN FORTUNA: I am a yes.

5 Motion carries.

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

9 MEMBER SONI: Second.

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

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: I am a yes.

1 Motion carries.

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

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

8 Mr. Williams, good luck to you.

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

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

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

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

1 MR. MANKOWSKI: Yes, sir.

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

6 MR. MANKOWSKI: Yes, sir.

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

13 MR. MANKOWSKI: Yes, sir.

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

23 MR. MANKOWSKI: Yes, sir.

24 MR. PINELLI: Very well, then we are

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

3 (Witnesses sworn.)

4 MARK MANKOWSKI

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

7 EXAMINATION

8 BY MR. PINELLI:

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

11 A Mark Mankowski.

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

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

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

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

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

24 A Yes.

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

3 A OFI, Office of Fire Investigation.

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

8 A Yes.

9 Q Did you have a chance to review them?

10 A Yes.

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

14 A No.

15 MR. PINELLI: Thank you.

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

19 CHAIRMAN FORTUNA: Admitted without
20 objection.

21 MR. PINELLI: Thank you.

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

24

1 BY MR. PINELLI:

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

6 A Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 A Yes. He was shoveling with me.

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

1 A Yes, sir.

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

11 A Yes. Yes, sir.

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

14 A No.

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

19 A No, sir.

20 Q He has not?

21 A No.

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

1 activities by which you earn income?

2 A No, sir.

3 Q Have you engaged in any sporting
4 activities?

5 A No, sir.

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

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

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

16 CHAIRMAN FORTUNA: Trustees, any
17 questions?

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

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

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

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

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

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

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

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

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

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

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

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

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

4 MR. MANKOWSKI: Yes.

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

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

11 MR. MANKOWSKI: Yes.

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

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

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

24 MR. MANKOWSKI: I don't recall anybody

1 from Engine 16 there, no.

2 MEMBER MARTIN: Okay.

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

5 MEMBER MARTIN: Okay. Thanks, Mark.

6 MR. MANKOWSKI: Thank you.

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

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

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

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

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

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

21 MR. MANKOWSKI: Yes, sir.

22 (Witness previously sworn.)

23 DANIEL SAMO, M.D.

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

1 examined and testified as follows:

2 EXAMINATION

3 BY MR. PINELLI:

4 Q Sir, would you please state your name?

5 A Daniel Samo.

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

7 A Yes.

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

10 A Yes.

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

14 A Yes.

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

17 A Yes.

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

20 A Yes.

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

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

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

4 A Yes.

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

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

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

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

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

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

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

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

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

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

18 A Yes.

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

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

1 activities.

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

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

6 Hearing none.

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

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

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

14 MEMBER MARTIN: Second.

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

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Soni.

21 MEMBER SONI: Yes.

22 CHAIRMAN FORTUNA: Trustee Martin.

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

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

4 CHAIRMAN FORTUNA: Trustee Tebbens.

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

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

9 MEMBER TEBBENS: Are we on the question?

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

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

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

24 MEMBER MURPHY: There has to be a

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

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

5 MEMBER MARTIN: Correct.

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

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

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

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

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

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

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

24 MS. BURNS: You are doing it based on

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

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

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

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: I am a yes.

20 MS. BURNS: That motion is withdrawn.

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

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

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

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

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

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

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

20 MS. BURNS: That is up to you.

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

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

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

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

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

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

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

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

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

15 MEMBER TEBBENS: Thank you, very much.

16 MEMBER VALENCIA: I will second the
17 motion.

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

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee Martin

3 MEMBER MARTIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: I am a yes.

9 Motion carries.

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

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

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

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

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

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

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

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

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

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

5 MEMBER TEBBENS: I have a question.

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

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

10 MEMBER TEBBENS: Okay. Just curious.

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

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

20 MR. PINELLI: That concludes this matter.

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

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

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

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

5 MEMBER MARTIN: Second.

6 CHAIRMAN FORTUNA: Seconded by Trustee
7 Martin.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: I am a yes.

17 Motion carries.

18 We are now in Executive Session.

19 (Whereupon, the Board went into
20 Executive Session off the record.
21 No action was taken in Executive
22 Session.)

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

1 session was to defer until next month.

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

6 MEMBER MARTIN: Second.

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

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

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

21 MS. ROSE: Yes.

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

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

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

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

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

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

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

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

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

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

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

1 information. Okay?

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

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

6 MS. ROSE: Okay. Thank you.

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

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

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

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

16 MR. CASTANEDA: Understood. Thank you.

17 MR. PINELLI: Thank you both.

18 MS. ROSE: Good-bye.

19 CHAIRMAN FORTUNA: Thank you.

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

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

24 MR. HESTER: Good morning. This is Mike

1 Hester.

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

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

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

9 MR. HESTER: Okay.

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

16 MR. HESTER: Yes, sir.

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

20 MR. HESTER: Yes.

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

1 understand it is your burden of proof?

2 MR. HESTER: Yes.

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

11 MR. HESTER: Okay.

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

14 DOCTOR SAMO: Yes, I am.

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

17 (Witnesses sworn.)

18 MICHAEL HESTER

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

21 EXAMINATION

22 BY MR. PINELLI:

23 Q Sir, please state your name.

24 A Michael Hester.

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

3 A Engineer EMT.

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

6 A Engine 7.

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

11 A Yes.

12 Q Did you have a chance to review them?

13 A I looked at it, yes.

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

16 A No.

17 MR. PINELLI: Thank you.

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

21 CHAIRMAN FORTUNA: Admitted without
22 objection.

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

1 BY MR. PINELLI:

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

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

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

13 A Yes.

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

16 A Yes, October 1, 1996.

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

20 A Correct.

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

24 A Yes.

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

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

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

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

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

19 A No.

20 Q Have you engaged in any sporting
21 activities?

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

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

3 CHAIRMAN FORTUNA: Trustees, any
4 questions?

5 MEMBER MURPHY: No questions.

6 CHAIRMAN FORTUNA: None, Vince.

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

9 (Witness previously sworn.)

10 MICHAEL I. PETERS, M.D.

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

13 EXAMINATION

14 BY MR. PINELLI:

15 Q Please state your name.

16 A Michael I. Peters.

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

18 A Yes.

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

21 A Yes.

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

24 A Yes.

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

4 A Yes.

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

7 A Yes.

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

10 A Yes.

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

13 A Yes, by telephone.

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

17 A Yes, it was.

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

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

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

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

8 A No.

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

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

13 MEMBER MURPHY: No questions.

14 CHAIRMAN FORTUNA: Thank you, Vince.

15 MEMBER MARTIN: Motion to grant.

16 MEMBER MURPHY: Second.

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

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee Martin

1 MEMBER MARTIN: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: I am a yes.

5 Motion carries.

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

8 MEMBER TEBBENS: Second.

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

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee Martin

17 MEMBER MARTIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: I am a yes.

21 Motion carries.

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

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

5 MEMBER TEBBENS: Second.

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

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

19 Mr. Hester, can you hear me?

20 MR. HESTER: Yes, sir.

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

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

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

5 MR. HESTER: Thank you.

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

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

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

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

1 Conclusions of Law in this matter.

2 MEMBER MARTIN: Second.

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

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, the second
16 matter involved the Widow's Annuity of Jeanne
17 Flood.

18 Last month the Board, after hearing
19 evidence in the matter, voted to terminate Ms.
20 Flood's receipt of Widow's Annuity.

21 Counsel has now had an opportunity to
22 prepare the Findings of Fact and Conclusions of Law
23 to support the Board's determination and shared
24 those Findings of Fact and Conclusions of Law with

1 the Board.

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

6 MEMBER TEBBENS: Second.

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

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

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

22 Vince, would you please proceed?

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

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

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

4 CHAIRMAN FORTUNA: Admitted without
5 objection.

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

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

10 MR. WELLER: She is on the call.

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

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

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

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

19 MS. REGAN: Yes.

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

1 Good morning, Ms. Regan.

2 MS. REGAN: Good morning.

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

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

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

11 MS. REGAN: Correct.

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

15 CHAIRMAN FORTUNA: Admitted without
16 objection.

17 MR. PINELLI: Thank you.

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

21 MS. REGAN: Correct.

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

24 MS. REGAN: Correct.

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

9 MS. REGAN: Yes.

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

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

17 MS. REGAN: That is correct.

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

21 MS. REGAN: Yes.

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

1 MS. REGAN: Correct.

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

4 CHAIRMAN FORTUNA: Trustees, any
5 questions?

6 MEMBER MURPHY: No questions.

7 CHAIRMAN FORTUNA: Hearing none, Vince.

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

17 MEMBER MURPHY: Thank you, counsel.

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

22 MEMBER TEBBENS: Second.

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

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: I am a yes.

10 Motion carries.

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

12 to adopt the Findings of Fact as presented to the

13 Board.

14 MEMBER MARTIN: Second.

15 CHAIRMAN FORTUNA: There is a motion to

16 adopt the Findings of Fact.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: Yes.

21 CHAIRMAN FORTUNA: Trustee Martin

22 MEMBER MARTIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Tebbens.

24 MEMBER TEBBENS: Yes.

1 CHAIRMAN FORTUNA: I am a yes.

2 Motion carries.

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

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

9 Thank you and god bless you.

10 MS. REGAN: Thank you so much.

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

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

16 MEMBER MARTIN: Second.

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

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Sheridan.

22 MEMBER SHERIDAN: Yes.

23 CHAIRMAN FORTUNA: Trustee Martin

24 MEMBER MARTIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Tebbens.

2 (Trustee Tebbens was offline.)

3 I am a yes.

4 Motion carries.

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

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

11 Thank you, Trustee Martin.

12 MEMBER MARTIN: Certainly.

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

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

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

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

23 There were four items on the agenda.

24 One, the Committee considered Callan's

1 recommendation to issue a RFP for Private Credit.

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

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

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

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

17 MEMBER MARTIN: I will make the motion.

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

20 MEMBER MARTIN: That is fine.

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

1 be issued.

2 MEMBER MARTIN: Second.

3 CHAIRMAN FORTUNA: There is a motion.

4 Seconded by Trustee Martin.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 (Trustee Tebbens was offline.)

13 I am a yes.

14 Motion carries.

15 MS. BURNS: That motion passes also, it

16 doesn't involve the expenditure of money.

17 You are now in the quiet period, which

18 means no Trustees or Staff, other than Lorna,

19 should have any communication with anybody

20 regarding the Private Credit manager search.

21 The second motion based on what Lorna

22 articulated.

23 MEMBER MURPHY: Based on the

24 recommendation of the CIO and the investment

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

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

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee Martin

12 MEMBER MARTIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 (Trustee Tebbens was offline.)

15 I am a yes.

16 Motion carries.

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

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

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

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

5 CHAIRMAN FORTUNA: I have no questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 MEMBER MARTIN: Thank you.

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

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

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

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

1 He still has his connection live.

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

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

6 MR. PHELPS: Good morning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 MR. WELLER: Wonderful. Thank you.

8 CHAIRMAN FORTUNA: Thank you.

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

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

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

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

19 Trustee Tebbens is back.

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

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

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

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

1 arrive be timely in getting out your response.

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

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

12 CHAIRMAN FORTUNA: That's how many?

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

16 CHAIRMAN FORTUNA: We need a number.

17 MR. WELLER: On how many people?

18 CHAIRMAN FORTUNA: Yes.

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

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

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

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

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

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

18 CHAIRMAN FORTUNA: Okay.

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

23 MS. BURNS: You did do that.

24 My question to Trustee Tebbens is would

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

6 MEMBER TEBBENS: Yes.

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

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

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

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

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

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

1 over in her Investment Committee meeting.

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

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

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

18 MEMBER MARTIN: Outstanding.

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

21 CHAIRMAN FORTUNA: Any questions?

22 Hearing none, moving on.

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

1 in BoardPaq.

2 MEMBER MARTIN: Second.

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

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

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

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

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

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

4 MEMBER MARTIN: Second.

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

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee Martin

12 MEMBER MARTIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: I am a yes.

16 Motion carries.

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

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

24 As Mr. Philips indicated, staff had

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

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

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

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

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

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

24 CHAIRMAN FORTUNA: There is a motion.

1 MEMBER TEBBENS: Second.

2 CHAIRMAN FORTUNA: Seconded by Trustee
3 Tebbens.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee Martin

9 MEMBER MARTIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

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

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

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

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

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

10 MEMBER MARTIN: Second.

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

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee Martin

18 MEMBER MARTIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: I am a yes.

22 Motion carries.

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

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

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

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

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

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

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

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

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

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

9 MEMBER TEBBENS: It is under Documents
10 then?

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

14 MEMBER TEBBENS: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 MEMBER TEBBENS: I will second it.

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

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

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

4 CHAIRMAN FORTUNA: Trustee Martin

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

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: No.

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

11 Moving on.

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

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

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

19 (Chorus of ayes.)

20

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

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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)
MEETING NO. 1097)

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 April 20, 2022, commencing at the hour
of 8:30 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

BRADY O'CONNELL, Callan Associates

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

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

1 CHAIRMAN FORTUNA: Good morning,
2 everyone. It is Wednesday, April 20, 2022. I will
3 call this meeting to order. Roll call, please.

4 MEMBER MURPHY: Vice-President Valencia.
5 Treasurer Conyears-Ervin.
6 Trustee Soni.
7 Trustee Sheridan.

8 MEMBER SHERIDAN: I am here.

9 MEMBER MURPHY: Trustee Tebbens.

10 MEMBER TEBBENS: Here.

11 MEMBER MURPHY: Trustee Martin.

12 MEMBER MARTIN: Here.

13 MEMBER MURPHY: I will try again.

14 Trustee Valencia.

15 Trustee Soni.

16 Secretary Murphy is here.

17 President Fortuna.

18 CHAIRMAN FORTUNA: Here.

19 MEMBER MURPHY: We have a quorum.

20 CHAIRMAN FORTUNA: I believe we have a
21 quorum. I do see Trustee Valencia is here but I
22 don't know if she can hear us.

23 MEMBER VALENCIA: I am here. I am trying
24 to connect.

1 MS. BURNS: Good morning, Trustee
2 Valencia.

3 CHAIRMAN FORTUNA: Trustee Valencia is
4 on.

5 Public Act 101-0640 allows this meeting
6 to be conducted by audio and video conference. The
7 Act requires the roll call vote on each matter that
8 we act upon.

9 Further consistent with Public 101-0640,
10 for the record, I am physically present at the
11 Fund's office as is Secretary/Treasurer Murphy and
12 the Executive Director. We have posted notice of
13 this meeting in accordance with the Open Meetings
14 Act and the meeting is being recorded. A
15 transcript of this proceeding will be prepared and
16 after approval will be made available on the Fund's
17 website.

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

24 Are there any requests this morning for

1 public comments?

2 MR. WELLER: For those willing to make
3 public comment or would like to make public
4 comment, please press star nine for the queue and
5 then we will let you in and then star six to speak.

6 PRESIDENT FORTUNA: Hearing none, we are
7 going to move on.

8 MS. BURNS: Let the record reflect that
9 Trustee Conyears-Ervin and Trustee Soni are in the
10 meeting.

11 CHAIRMAN FORTUNA: I am going to turn
12 things over to Secretary Murphy.

13 MEMBER MURPHY: Thank you, Mr. President.

14 First, I would like to turn to the
15 Approval of Administrative Items. We have approval
16 of the Regular Audio Meeting of March 16, 2022
17 Board open and closed minutes and the March 14,
18 2022 Investment Committee Minutes and the regular
19 audio meeting transcript of March 16, 2022 and the
20 March 14, 2022 Investment Committee transcript.

21 I'd like to make a motion to approve the
22 open and closed minutes of the March 16, 2022,
23 board meeting and the audio transcripts for that
24 meeting and the open minutes and the audio

1 transcript for March 14, 2022 Investment Committee
2 meeting and to keep the board meeting closed
3 session minutes closed.

4 MEMBER MARTIN: Second.

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

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee
12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Martin.

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: I am a yes.

21 Motion carries.

22 MEMBER MURPHY: As required by the Open
23 Meetings Act, we are required to perform a
24 semiannual review of closed session minutes.

1 Based on the recommendation of Fund
2 counsel, I move that the following closed session
3 minutes be open to the public pursuant to Section
4 2.06D of the Open Meetings Act. November 16, 2016
5 board meeting. June 30, 2021 Investment Committee
6 Meeting. August 31, 2021 Investment Committee
7 meeting. October 20, 2021 board meeting. December
8 13, 2021 Investment Committee meeting. January 19,
9 2022 Budget Committee meeting.

10 Be it further moved that Fund counsel
11 work with the Fund's Executive Director to ensure
12 that all verbatim records greater than 18 months
13 old for which minutes have been approved and opened
14 be discarded pursuant to the requirements of
15 Section 2.06C of the Open Meetings Act.

16 MEMBER MARTIN: On the question.

17 CHAIRMAN FORTUNA: I need a second, then
18 we'll go on to the question.

19 MEMBER MARTIN: Okay.

20 MEMBER TEBBENS: I will second it.

21 CHAIRMAN FORTUNA: There is a motion and
22 a second. Any discussion?

23 MEMBER MARTIN: The November 16th,
24 November of 2016, is that on there?

1 MEMBER MURPHY: It is.

2 MS. BURNS: I am not sure, that doesn't
3 sound right. I will verify that with Sarah, who
4 prepared this for the Fund. If that needs to be
5 2021, which is what I am expecting, we will make
6 that edit to the minutes, if that is okay with the
7 Trustees.

8 MEMBER MARTIN: I am fine with it
9 consistent with Mary Pat's comments, yes.

10 MS. BURNS: Thank you, Trustee Martin. I
11 have a feeling it is a typo.

12 CHAIRMAN FORTUNA: There is a motion and
13 a second.

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 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: I am a yes.

4 Motion carries.

5 MEMBER MURPHY: Moving on, Mr. President,

6 I would like to make a motion to approve the

7 Minimum Formula Annuities starting with Member

8 16629 and ending with Member 17086.

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 Martin

20 MEMBER MARTIN: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: Trustee Valencia.

24 MEMBER VALENCIA: Yes.

1 CHAIRMAN FORTUNA: I am a yes.

2 Motion carries.

3 MEMBER MURPHY: Mr. President, I would
4 like to make a motion to approve the Widow's
5 Annuities starting with Member 0942 through Member
6 09362.

7 MEMBER VALENCIA: Second.

8 CHAIRMAN FORTUNA: There is a motion by
9 Trustee Murphy. Seconded by Trustee 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 MEMBER CONYEARS-ERVIN: 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: I am a yes.

24 Motion carries.

1 MEMBER MURPHY: I'd like to make a motion
2 to approve the Children's Annuities for the two
3 minor children of Member 16503.

4 MEMBER CONYEARS-ERVIN: Second.

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

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 Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: I am a yes.

21 Motion carries.

22 MEMBER MURPHY: I'd like to make a motion
23 to approve the Tier 2 Widow's Annuity Benefits for
24 the widow of Member 18638.

1 MEMBER MARTIN: Second.

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

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 Martin

12 MEMBER MARTIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: Trustee Valencia.

16 MEMBER VALENCIA: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

19 MEMBER MURPHY: I would like to make a
20 motion to approve Refunds for Members 17916 and
21 Member 19430.

22 MEMBER TEBBENS: Second.

23 CHAIRMAN FORTUNA: There is a motion for
24 refunds by Trustee Murphy. Seconded by Trustee

1 Tebbens .

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 Martin

10 MEMBER MARTIN: Yes .

11 CHAIRMAN FORTUNA: Trustee Tebbens .

12 MEMBER TEBBENS: Yes .

13 CHAIRMAN FORTUNA: Trustee Valencia .

14 MEMBER VALENCIA: Yes .

15 CHAIRMAN FORTUNA: I am a yes .

16 Motion carries .

17 MEMBER MURPHY: Under E, Death Benefits .

18 I would like to make a motion to approve the Death

19 Benefits for Member 15916 through Member 09362 .

20 MEMBER SHERIDAN: Second .

21 CHAIRMAN FORTUNA: There is a motion by

22 Trustee Murphy. Seconded by Trustee Sheridan .

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 Martin
7 MEMBER MARTIN: Yes.
8 CHAIRMAN FORTUNA: Trustee Tebbens.
9 MEMBER TEBBENS: Yes.
10 CHAIRMAN FORTUNA: Trustee Valencia.
11 MEMBER VALENCIA: Yes.
12 CHAIRMAN FORTUNA: I am a yes.
13 Motion carries.
14 MEMBER MURPHY: I'd like to make a motion
15 to approve Partial Payments beginning with Member
16 11181 continuing through to Member 13333.
17 MEMBER VALENCIA: Second.
18 CHAIRMAN FORTUNA: There is a motion by
19 Trustee Murphy. Seconded by Trustee Valencia.
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 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: I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Moving on to Item G,
12 there are three recalculations this month to
13 reflect refunds due to the adjustment to the final
14 pay for Members 15696, Member 11394 and 15023. I
15 would like to make a motion to approve the errors
16 in deductions for those members.

17 MEMBER MARTIN: Second.

18 CHAIRMAN FORTUNA: Motion by Trustee
19 Murphy. Seconded by Trustee Martin.

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 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: I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Under H, Guardianship.

12 There is one this month for Member 09283. I'd like
13 to make a motion to grant Guardianship to Member
14 09283, based on staff's confirmation that all the
15 paperwork required by the Fund has been received.

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 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: I am a yes.

10 Motion carries.

11 MEMBER MURPHY: We have one request to
12 reside out of state. We have a request to permit
13 Member 16931 to reside out of state. I would like
14 to make a motion.

15 MEMBER TEBBENS: Second.

16 CHAIRMAN FORTUNA: There is a motion by
17 Trustee Murphy. Seconded by Trustee Tebbens.

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 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: I am a yes.
8 Motion carries.
9 MR. WELLER: Trustee Soni is present. We
10 are having a technical glitch with her.
11 CHAIRMAN FORTUNA: Okay.
12 MEMBER MURPHY: Under I, Removals. I
13 would like to make a motion to approve the Removals
14 starting with Dennis M. Burns and ending with
15 Morgan Krouse.
16 MEMBER TEBBENS: Second.
17 CHAIRMAN FORTUNA: Motion by Trustee
18 Murphy. Seconded by Trustee Tebbens.
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 Martin

3 MEMBER MARTIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Under Payments Pursuant

11 to Administrative and Court Orders, I would like to

12 make a motion to approve the QILDRO and Child

13 Support Order listed in the docket for the member

14 listed in that docket, based on the staff's

15 confirmation that all the paperwork required by the

16 Fund to process this order has been received.

17 MEMBER SHERIDAN: Second.

18 CHAIRMAN FORTUNA: Motion by Trustee

19 Murphy. Seconded by Trustee Sheridan.

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 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: I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Moving on, Mr. President,
12 to the disability applications. I'd like to turn
13 this over to Vince.

14 MR. PINELLI: I would ask is Lieutenant
15 Aaron Beals on the line?

16 MR. BEALS: Yes, sir. Aaron Beals is
17 here. Yes, sir.

18 MR. PINELLI: Thank you.

19 Let the record reflect this is a hearing
20 on the application for an Occupational Disease
21 Disability benefit being made by Lieutenant Aaron
22 Beals.

23 Good morning, Mr. Beals. I am one of the
24 attorneys for the Pension Fund that will be

1 conducting this hearing. I'd like to advise you of
2 some preliminary matters before we start the
3 evidence.

4 First of all, I believe there are at
5 least seven, but probably eight trustees, present
6 at the current time to hear the evidence on your
7 application. If you don't know you should know the
8 Pension Code requires that you get the yes vote of
9 at least five of those Trustees in order to receive
10 this benefit. Do you understand that?

11 MR. BEALS: Yes, sir.

12 MR. PINELLI: Then from reviewing the
13 exhibits and the record, it appears you do not have
14 an attorney representing you in this matter. Is it
15 your desire to proceed today without an attorney?

16 MR. BEALS: Yes, sir.

17 MR. PINELLI: Lastly, it is the
18 applicant's burden of proof to present sufficient
19 evidence to the Board in order for the Board to
20 grant the benefit that the applicant seeks. Do you
21 understand it is your burden of proof in this
22 matter?

23 MR. BEALS: 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. Then I will call the Fund's
4 physician consultant Dr. Peters to testify. If
5 there is anything I don't ask him that you think is
6 important for the Board to know, please let me know
7 and I will give you that opportunity. Do you
8 understand the procedures?

9 MR. BEALS: Yes, sir. Thank you.

10 MR. PINELLI: You're welcome. Then we
11 are ready to proceed. I would like to start by
12 asking you, lieutenant, to please raise your right
13 hand.

14 (Witness sworn.)

15 EXAMINATION

16 BY MR. PINELLI:

17 Q Would you please state your name and
18 spell your last name for the record?

19 A My name is Aaron Beals, Jr. Last name is
20 B-e-a-l-s.

21 Q Thank you. What is your current rank
22 with the Fire Department?

23 A Currently I am a Lieutenant Paramedic.

24 Q Lieutenant, what was your current

1 assignment before you went on layup?

2 A My last assignment was at Truck 40.

3 Q Okay. Now you should have been provided
4 a copy of Board Exhibits, which have been marked
5 Board Exhibits 1 through 12 in advance of this
6 hearing. Did you get a copy from the Fund staff?

7 A Yes, sir, I did.

8 Q Did you have a chance to review them?

9 A Yes.

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

13 A No, sir.

14 MR. PINELLI: Thank you.

15 Mr. Chairman, 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 (Board Exhibits 1 through 12 were
21 admitted into evidence.)

22 MR. PINELLI: Thank you.

23 BY MR. PINELLI:

24 Q Now, lieutenant, you have completed more

1 than seven years of service with the Fire
2 Department, is that correct?

3 A That is correct.

4 Q In fact, the records indicate you joined
5 in 1989, is that correct?

6 A Correct.

7 Q You are applying for this benefit based
8 upon a medical condition that the records indicate
9 is kidney cancer, is that correct?

10 A Yes, sir.

11 Q Did you develop that condition while you
12 have been in service with the Fire Department?

13 A Yes, sir.

14 Q Can you just briefly give the Trustees a
15 chronology of assignments you have had from when
16 you came on in '89 to your most recent assignment
17 on Truck 40?

18 A I will do my best, sir. In '89, I came
19 on as a Fire Paramedic. Shortly afterwards I was
20 promoted to Paramedic Officer. I worked in Fire
21 Department Administration for a few years. I was a
22 training instructor. I also worked as an
23 Administrative Assistant to the Chief Paramedic for
24 a couple of years. I worked as an Executive

1 Assistant to Deputy Fire Commissioner at that time
2 Cortez Trotter for a couple of years and I became
3 cross trained as a Firefighter I believe it was
4 '99. I was assigned to Engine 46 out of the
5 Academy. I remained there I don't know how many
6 years but briefly went back to Administration from
7 Engine 46 for six months to a year and then
8 reassigned to Engine 46 I believe until I got
9 promoted to Lieutenant. I kept my Paramedic
10 status, Lieutenant Paramedic. Worked relief
11 throughout the City and was ultimately assigned to
12 Engine 121 and from there was assigned to Truck 40.

13 Q Okay.

14 A Which was my last assignment.

15 Q Very well. Thank you for detailing that.

16 A Yes.

17 Q Did you have the removal of your right
18 kidney yet or is that still to be done?

19 A No, it is scheduled to be done. It
20 hasn't been done yet.

21 Q And then you are also awaiting a
22 transplant for your left kidney, is that right?

23 A Well, a transplant not specifically for
24 the left kidney, just a transplant in general.

1 Q For a kidney?

2 A Yes, sir.

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

5 CHAIRMAN FORTUNA: Trustees, any
6 questions?

7 No questions, Vince.

8 MR. PINELLI: I would call Dr. Peters.
9 Dr. Peters, are you on the line?

10 DR. PETERS: Yes, I am.

11 MR. PINELLI: Thank you. Would you
12 please raise your right hand?

13 (Witness sworn.)

14 MICHAEL I. PETERS, M.D.

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

17 EXAMINATION

18 BY MR. PINELLI:

19 Q Could you please state your name for the
20 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, is
2 that 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 or interview applicants and report
9 to the Board?

10 A Yes.

11 Q Did you follow that procedure with
12 respect to this applicant?

13 A Yes, I did.

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

16 A Yes.

17 Q Doctor, did you interview the applicant
18 due to the current Covid conditions?

19 A Yes, by telephone.

20 Q Was the information provided you
21 consistent with the medical records that you had
22 reviewed regarding his condition?

23 A Yes, it was consistent.

24 Q Doctor, can you just briefly summarize

1 for us what his current medical condition and
2 status is?

3 A Sure. Lieutenant Beals has kidney
4 failure and he's on dialysis. He also has kidney
5 cancer in his right kidney, which is going to
6 require his kidney to be removed. He had kidney
7 failure independent of that but removing the kidney
8 is going to make it much worse. He has kidney
9 failure secondary to a combination of both
10 hypertension and diabetes as well as the
11 contribution from his cancer.

12 Q Doctor, based upon your knowledge and
13 experience and information that you are aware of,
14 is kidney cancer the type of cancer that may be
15 caused by exposure to heat, radiation or a known
16 carcinogen as defined by the International Agency
17 for Research on Cancer?

18 A Yes.

19 Q Based upon his current condition, is he
20 able to perform his lieutenant duties with the Fire
21 Department?

22 A No, he is not.

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 MURPHY: No questions.

4 CHAIRMAN FORTUNA: Hearing none.

5 MEMBER MURPHY: I would like to make a
6 motion to grant the benefits requested by
7 Lieutenant Beals.

8 MEMBER VALENCIA: Second.

9 CHAIRMAN FORTUNA: There is a motion to
10 grant by Trustee Murphy. 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 Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: I am a yes.

1 Motion carries.

2 MEMBER MURPHY: I would like to make a
3 motion for reexam consistent with the Board's
4 policies.

5 MEMBER MARTIN: Second.

6 CHAIRMAN FORTUNA: Motion for reexam by
7 Trustee Murphy. Seconded by Trustee Martin.

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 Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: I am a yes.

21 Motion carries.

22 MEMBER MURPHY: Counsel has previously
23 sent around proposed Findings of Fact and
24 Conclusions of law. Having had a chance to review

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

4 MEMBER MARTIN: Second.

5 CHAIRMAN FORTUNA: Motion to accept
6 Findings of Fact by Trustee Murphy. Seconded by
7 Trustee Martin.

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 Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: I am a yes.

21 Motion carries.

22 Mr. Beals, can you hear me?

23 MR. BEALS: Yes, sir.

24 CHAIRMAN FORTUNA: Based on the Findings

1 of Fact and Conclusions of Law made by the
2 Trustees, the Trustees have voted to grant you the
3 benefit you have requested.

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

6 Good luck to you. I know you're going to
7 go through a whole lot but good luck to you.

8 MR. BEALS: Thank you, very much. I do
9 solicit your prayers as well.

10 MEMBER MURPHY: Our next Occupational
11 applicant has deferred so we are moving to Duty
12 Disability applicants. Vince.

13 MR. PINELLI: The first Duty Disability
14 matter scheduled is the continuation of the hearing
15 on the application of EMT Fire Marshall Mankowski.

16 Is Mr. Mankowski and his counsel on the
17 line?

18 MR. MARCONI: Vince, for the record,
19 Jerry Marconi on behalf of Fire Marshall Mankowski.

20 MR. MANKOWSKI: Yes, I am on the line.

21 MR. PINELLI: Thank you. Let's introduce
22 this matter just for the record. As I said this is
23 a continuation of a hearing that began at the last
24 board meeting on March 16th last month.

1 At the conclusion, following the
2 testimony of the applicant and the Fund's
3 physician, the Board made a motion to continue the
4 matter to the next board meeting and to leave the
5 record open for the submission of additional
6 evidence and in particular the presentation of
7 testimony from any witnesses to the incident in
8 question so that is why the matter was put over.

9 In the meantime, there have been some
10 additional exhibits submitted on behalf of the
11 Board. There is Group Board Exhibit 1D, which is a
12 revised witness list. Group Exhibit 1E, which is
13 the attorney appearance of Mr. Marconi, who is
14 present on the line. Board Exhibit 13 is an
15 excerpt of the Office of Fire Investigations'
16 journal dated February 16th of 2021.

17 Counsel, do you have any objection to the
18 admission of these additional Board Exhibits into
19 the record?

20 MR. MARCONI: I do not.

21 MR. PINELLI: Then, in addition, you
22 submitted some additional exhibits for the Board's
23 consideration. Those have been marked as
24 Applicant's Exhibits 1 and 2. 1 being a functional

1 capacity evaluation, that was conducted on Mr.
2 Mankowski, on April 12th of 2022. The second being
3 a physical therapy evaluation dated the same date.

4 Are you moving for admission of those
5 exhibits into the record as well?

6 MR. MARCONI: I am.

7 MR. PINELLI: Mr. Chairman, I have no
8 objection to the admission of those exhibits. So
9 at this time I would formally move for admission of
10 Board's Exhibits 1D, 1E and 13 as well as
11 Applicant's Exhibits 1 and 2, without objection
12 from the parties.

13 CHAIRMAN FORTUNA: These exhibits are
14 admitted without objection.

15 (Board Exhibits 1D, 1E, 13 and
16 Applicant Exhibits 1 and 2 were
17 admitted into evidence.)

18 MR. PINELLI: Thank you. Now moving on
19 to witnesses. There have been a number of
20 witnesses subpoenaed for today's date. I think the
21 first witness, and counsel correct me if I am
22 wrong, that you would like to call would be
23 Lieutenant Brian Kroll, is that correct?

24 MR. MARCONI: Yes. I did reach out or

1 tried to reach out to all of the witnesses because
2 I am sure the Board doesn't want to hear the same
3 testimony five times. I have spoken to two this
4 morning on the line that I know of and that is
5 Lieutenant Kroll and I think Bill Granat indicated
6 he was on the line as well. I don't know if either
7 witnesses are present.

8 You and I had a conversation where it
9 wasn't my business to call off any witnesses so
10 that is kind of where we are at.

11 MR. PINELLI: Very well, then let's
12 start.

13 Is Lieutenant Brian Kroll on the line?

14 MR. MARCONI: I think he needs to hit
15 star six to unmute. I did text him the sign-in
16 information this morning.

17 MR. PINELLI: Okay. While we are
18 waiting, I did hear earlier from Mr. Granat. Is he
19 still on the line?

20 MR. GRANAT: I am. I am here.

21 MR. PINELLI: Counsel, do you wish to
22 start with William Granat first and then we will
23 proceed to Mr. Kroll?

24 MR. MARCONI: Sure.

1 MR. PINELLI: Mr. Granat, if you could
2 please raise your right hand, sir.

3 (Witness sworn.)

4 MR. PINELLI: Counsel, you may proceed.

5 WILLIAM GRANAT

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

8 EXAMINATION

9 BY MR. MARCONI:

10 Q Could you spell your name for the record?

11 A First name is William, W-i-l-l-i-a-m.

12 Last name is Granat, G-r-a-n-a-t.

13 Q And where are you employed?

14 A My present assignment is Training Officer
15 of Office of Fire Investigations.

16 Q Just briefly, your history, give me very
17 brief, with the Chicago Fire Department.

18 A As far as service?

19 Q Yes.

20 A 17 years Firefighter Paramedic. I am a
21 Firefighter EMT. And as I stated, my current rank
22 is Training Officer days. It is a 40-hour
23 position.

24 Q Okay. Back on February 16th of 2020, I

1 believe you were working with Mark Mankowski, is
2 that correct?

3 A That is correct, sir.

4 Q What was your assignment on that date?

5 A At that time I was a Fire Marshall on
6 platoon so awaiting dispatch from the alarm office
7 for a fire that needed to be investigated. While I
8 am in the firehouse, I have specific duties per the
9 General Orders in the Policies and Procedures of
10 the Fire Department that I have to carry out.

11 Q Probably in the morning of that day, did
12 something come over on the loud speaker that
13 basically ordered everyone in the office to go out
14 and start shoveling snow in the parking lot?

15 A I don't recall that specifically but I do
16 recall being asked to go out and shovel snow, yes,
17 sir.

18 Q How big is that parking lot?

19 A Approximately, I couldn't give you
20 dimensions, from where I am sitting right now it
21 runs basically east/west. I'd say probably 100 by
22 20.

23 Q Do you know approximately how many
24 firefighters were out there shoveling?

1 A I think approximately five, maybe six,
2 guys.

3 Q Was Mark Mankowski out there?

4 A Yes, I do recall him out there, yes.

5 Q Anything unusual that you recall when you
6 were out there shoveling snow?

7 A No, sir.

8 Q How about with Mark Mankowski did you
9 hear or see anything regarding him?

10 A I had my back -- I was facing an easterly
11 direction in this parking lot and I was crouched
12 down trying to lift some heavy snow and I heard
13 kind of like an outcry or yelp. You know, somebody
14 that was either injured or in pain. And as I
15 turned around, I visualized Mankowski on the ground
16 in some kind of distress.

17 Q You were a trained Paramedic at that
18 time, is that correct?

19 A Yes, I am, sir.

20 Q Did you render aid or did you see anyone
21 render aid to Firefighter Mankowski?

22 A Yes, sir. I personally knelt down and
23 rendered aid and I told him what is the matter and
24 he said my back locked up. I can't feel -- you

1 know, I can't feel below my waist. I said, okay,
2 remain still. I summoned somebody to notify the
3 paramedics to come to the back, to drive the
4 ambulance to the back of the firehouse.

5 Q Did you see the ambulance arrive?

6 A Yes, I actually helped them do their job
7 sir, yes.

8 Q So you helped load Firefighter Mankowski
9 into the ambulance, is that correct?

10 A Right. Because of a suspected back
11 injury, we placed him on a backboard and that was
12 done utilizing the proper EMS techniques.

13 Q Did you go to the hospital with him or
14 did you remain at OFI?

15 A I was to remain at OFI, sir.

16 Q Okay. Then was that the last day that
17 you saw Firefighter Mankowski?

18 A Yes, sir.

19 MR. MARCONI: Thank you. Appreciate it.

20 MR. GRANAT: Thank you.

21 MR. PINELLI: Trustees, any questions for
22 the witness?

23 Hearing none, Vince.

24 EXAMINATION

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BY MR. PINELLI:

Q I just have a quick follow-up. Sir, you described the snow I think. So was it, you know, light fluffy or heavy wet snow that you were shoveling that day?

A I guess you would say a combination of both because there was a layer from the night before and then a fresh layer going on top of it. As you dug deeper down, it got a little bit more slushy.

Q The shovels that you use for shoveling that were being used that day, can you describe them? Are they just like your regular shovels, snow shovels, that you'd get at the hardware store? Was there anything unique about it?

A I believe that is something that is provided to the firehouse. I don't remember if it was a curved handle to prevent back injuries or not. I don't really remember, to be honest with you.

MR. PINELLI: That's fine. Thank you.
That is all the questions I have.

CHAIRMAN FORTUNA: Any questions?

Hearing none, Vince.

1 MR. PINELLI: Thank you, sir. We
2 appreciate you being on the line for us.

3 MR. GRANAT: Thank you.

4 MR. PINELLI: You're welcome.

5 Did we get Lieutenant Kroll? Is he on
6 the line yet? Brian Kroll?

7 MR. WELLER: We don't see Lieutenant
8 Kroll on the sign-in.

9 MR. PINELLI: Do you know if we have any
10 other of the subpoenaed witnesses on the sign-in,
11 if you are able to tell?

12 MR. WELLER: Only Mr. Granat was the only
13 one that answered the subpoena.

14 MR. PINELLI: Okay.

15 MR. MARCONI: I just sent a text to
16 Lieutenant Kroll. I told him to sign in about
17 8:50.

18 MR. MORALES: I just got him.

19 MR. WELLER: Mr. Kroll, you need to press
20 star six to unmute yourself.

21 MR. KROLL: Okay. Can you hear me?

22 MR. WELLER: Yes, we can.

23 MR. PINELLI: Yes. Lieutenant Kroll, I
24 am one of the attorneys for the Pension Fund. You

1 have been asked to be here today to give testimony.
2 Before you do that, I would ask you to please raise
3 your right hand.

4 (Witness sworn.)

5 MR. PINELLI: Mr. Marconi, you may
6 proceed.

7 BRIAN KROLL

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

10 EXAMINATION

11 BY MR. MARCONI:

12 Q Mr. Kroll, can you spell your name for
13 the record?

14 A Full name is Brian Kroll. B-r-i-a-n.
15 Kroll, K-r-o-l-l.

16 Q Lieutenant Kroll, where are you currently
17 employed?

18 A I am currently employed by the Chicago
19 Fire Department in the Office of Fire
20 Investigations.

21 Q Your current rank is Lieutenant, is that
22 correct?

23 A Yes, sir.

24 Q Back on February 16, 2020, you were a

1 lieutenant on that day, is that correct?

2 A Yes.

3 Q You were assigned to OFI, is that
4 correct?

5 A Yes.

6 Q At some point in the morning did you get
7 an order or instruction to have your people shovel
8 the parking lot?

9 A Yes.

10 Q What did you do?

11 A I related that order to the Fire
12 Marshalls, who I was in charge of that day, to go
13 outside and shovel the parking lot.

14 Q Was Mark Mankowski one of those Fire
15 Marshalls that was ordered to go out and shovel the
16 parking lot?

17 A Yes, he was.

18 Q When you went out there, did you see him
19 out there?

20 A Yes.

21 Q And when you were out there, did you see
22 or hear anything unusual with respect to
23 Firefighter Mankowski?

24 A While we were shoveling snow, he did make

1 a general statement in regards to just be careful.
2 It was just like a fellow disclaimer to everybody.
3 Hey, guys, be careful, it is kind of heavy snow.

4 Q Did you see him go down at any point?
5 Did you see or hear him go down?

6 A I heard him scream and I turned around.
7 I saw him laying on the ground. I did not see him
8 go down but I heard the scream and I was probably
9 working within about 10 feet from him. My back was
10 to him. I heard him scream and go down and I
11 turned around and saw him laying on the ground.

12 Q Do you remember specifically -- I think
13 maybe Firefighter Granat rendered some aid to him
14 until the ambulance came?

15 A Yes.

16 Q Did you render aid or basically at that
17 point were you present and watching what was going
18 on?

19 A I was present watching what was going on.
20 Firefighter Marshall Granat was rendering aid as
21 far as position and comfort and making sure
22 everything was baseline, everything was fine. And
23 I think I might have walked back into the office to
24 let them to know to call an ambulance. I don't

1 exactly recall when that was done but I think I did
2 walk back into the office.

3 Q Have you seen Firefighter Mankowski since
4 then?

5 A I have seen him a few times since then.

6 Q He hasn't returned to work as far as you
7 know?

8 A No, not in a work capacity, no.

9 MR. MARCONI: Thank you, very much. I
10 don't have anything else.

11 Mr. Pinelli is probably going to give you
12 a very intense cross examination.

13 THE WITNESS: Okay.

14 MR. PINELLI: Mr. Chairman, before I
15 proceed, are there any questions from the Board or
16 would you like me to proceed?

17 MEMBER MURPHY: No questions.

18 CHAIRMAN FORTUNA: Hearing no questions.

19 EXAMINATION

20 BY MR. PINELLI:

21 Q Thank you. Yes. So I hate to disappoint
22 you but here's my questions. Just with respect to
23 the shovels that were being used that day, are they
24 any different than the shovels that civilians like

1 I use from Home Depot, you know the size of them?
2 In other words, did the Fire Department have like
3 extra heavy duty shovels or are they just the
4 normal shovels that I use from Home Depot, the size
5 of them?

6 A I mean, there is a couple different types
7 of shovels but nothing that you couldn't go to Home
8 Depot and buy.

9 Q He was transported directly from the
10 scene to Northwestern Hospital by ambulance, is
11 that correct?

12 A I believe so. I believe so.

13 Q In other words, he didn't go inside or go
14 somewhere else?

15 A No.

16 Q He was taken from the scene?

17 A No. Yes, he stayed on the ground outside
18 the whole time until the ambulance arrived and
19 transported.

20 MR. PINELLI: Thank you. That is all the
21 questions I have of the lieutenant. We appreciate
22 you being on the line for us.

23 MR. KROLL: No problem.

24 MR. PINELLI: Okay. That is it for you

1 it. You are released.

2 Jerry, it sounds like there is no other
3 witnesses on the line to testify. Did you speak
4 with any of these other folks? Did you have a
5 chance to or not?

6 MR. MARCONI: I did. I talked to -- I am
7 going off the -- let me look at the witness list.
8 I know I talked to a Sharrieff I believe last
9 night. He said he's on furlough. I think over the
10 weekend I talked to a Waldemar Wojt. I did not
11 speak to Randy Carson and I did leave a message for
12 Lieutenant Walsh last night. The only ones I
13 really talked to were Wojt, Sharrieff, Granat and
14 Kroll. I didn't call off any witnesses.

15 MR. PINELLI: No, I understand that.
16 With respect to your conversations with Sharrieff
17 and Wojt, did they relate to you what they observed
18 on that day?

19 MR. MARCONI: Yes. I mean, Sharrieff
20 basically says the same thing as the two witnesses
21 today. Waldemar Wojt said the same thing. Wojt
22 did have apparently a snowblower in his truck or
23 whatever but he was also shoveling. None of them
24 saw the actual act of Firefighter Mankowski going

1 down, but they all basically would say that they
2 heard a scream or a yelp and then he was down and
3 then the ambulance came.

4 MR. PINELLI: Okay. It is pretty
5 consistent with the testimony given here today with
6 respect to what they saw?

7 MR. MARCONI: Yes, it was definitely
8 cumulative.

9 MR. PINELLI: That being the situation,
10 do you have any other evidence that you wish to
11 present at this time?

12 MR. MARCONI: None, other than if the
13 Board wants to hear from Firefighter Mankowski
14 because the only thing we added he did go through a
15 FCE last week, which was ordered by his doctor, Dr.
16 Lim, I think his Physician's Assistant, last month.
17 And then just timing-wise, he just underwent it
18 last week.

19 MR. PINELLI: I was going to just call
20 Dr. Samo very briefly to discuss that. But I don't
21 want to cut off the Board if they have any
22 additional questions they want to ask of the
23 applicant Mr. Mankowski before I call Dr. Samo.

24 CHAIRMAN FORTUNA: Trustees, any

1 questions?

2 MEMBER TEBBENS: I do for Firefighter
3 Mankowski.

4 I am not sure where the line of
5 questioning is going related to the shovels you can
6 buy at Home Depot and whether Firefighter Mankowski
7 knows the type of shovel that the legal counsel
8 would even in fact purchase at Home Depot.

9 The question is was the shovel you were
10 using issued by the Department?

11 MR. MANKOWSKI: The shovel I got was from
12 inside the firehouse. Whether it was issued by the
13 Department or somebody --

14 MEMBER TEBBENS: Was it part of the
15 equipment that you had accessible to you that you
16 would routinely use to shovel snow? It could have
17 been anyone that grabbed that shovel or was that
18 your shovel that you brought from home or purchased
19 from Home Depot? What is that shovel? Was that a
20 special shovel of yours or was that the shovel --

21 MR. MANKOWSKI: No, it was a shovel that
22 I got from inside the firehouse.

23 MEMBER TEBBENS: That is routinely used
24 for removal of snow?

1 MR. MANKOWSKI: Yes.

2 MEMBER TEBBENS: Thank you.

3 CHAIRMAN FORTUNA: Trustees, any other
4 questions?

5 Hearing no questions, Vince.

6 MR. PINELLI: Do you rest, counsel,
7 subject to my calling Dr. Samo quickly?

8 MR. MARCONI: Yes, sir.

9 MR. PINELLI: Okay. Thank you.
10 Dr. Samo, could you please raise your
11 right hand?

12 (Witness 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 Since you last testified in this matter
19 last month, doctor, were you provided a copy of
20 Applicant Exhibits 1 and 2, those being the
21 functional capacity evaluation and physical therapy
22 evaluations?

23 A Yes.

24 Q Did you review them?

1 A Yes.

2 Q With respect to just to summarize the
3 outcome of the FCE, what was the outcome of the
4 FCE?

5 A The FCE stated that he could only work at
6 the medium level. His firefighter job is
7 considered a very heavy job. The reason for that
8 is that he could not lift 100 pounds from floor to
9 waist, waist to shoulder, or overhead. He was able
10 to perform all of the other tasks in the FCE.
11 Several of them he did complain of back pain while
12 doing them.

13 Q Did it indicate, therefore, that he had
14 limitations, some limitations, with respect to the
15 amount of weight that he could lift or move?

16 A Yes. I mean, he was able to lift 55
17 pounds from floor to waist. 45 pounds from waist
18 to shoulder height. 40 pounds overhead. 50 pounds
19 carrying and the maximum 100 pounds pushing/
20 pulling.

21 Q Those do not rise to the level of a very
22 heavy physical demand level required for a
23 firefighter, correct?

24 A Correct.

1 Q Did it also indicate that he gave a
2 maximum effort and there was no evidence of him
3 either malingering or not giving a full effort?

4 A Correct, that is what the report stated.

5 Q It was valid results as far as the tester
6 indicated?

7 A As far as the tester was concerned, yes.

8 Q Was this information -- is it consistent
9 with the testimony you gave at the last hearing
10 with respect to his ability to perform his duties
11 with the Fire Department?

12 A Yes, it is consistent.

13 MR. PINELLI: Thank you. That is all the
14 questions I have of Dr. Samo. Counsel, do you have
15 any?

16 MR. MARCONI: I do not have any
17 questions.

18 MR. PINELLI: Trustees, any questions?

19 MEMBER MARTIN: Dr. Samo, do you believe
20 that his subjective complaints of pain match the
21 objective findings from this incident?

22 DOCTOR SAMO: Well, once again, with low
23 back pain, there are very few objective findings.
24 Everything that we do in the back exam, except for

1 measurements, like circumference of the thigh or
2 leg and the deep tendon reflexes, are probably
3 subjective because they depend on patient effort
4 for reporting symptoms.

5 If he says when I bend it hurts, I can't
6 go further, the limitation is about the pain. The
7 pain is subjective. So, essentially, most of the
8 back exam, a huge majority of the back exam, is a
9 subjective exam.

10 MEMBER MARTIN: Additionally, I am
11 looking at his prior injuries, there seems to be a
12 lot of prior back injuries. I don't know. He has
13 got -- I mean, layup time, I haven't seen many that
14 have had more in his amount of time on-the-job.

15 Could you tell from any of the prior MRIs
16 or any of the other issues where there was any
17 changes from his prior injuries?

18 I mean, this MRI, given prior MRIs, has
19 there been any significant change that would give
20 rise to, okay, he injured it or he didn't injure
21 it?

22 DOCTOR SAMO. There was no -- I don't
23 know if I had any MRIs from -- I did one -- let me
24 see, if I had any from prior. The one I have from

1 before was from 2015, October the 9, 2015, which
2 did show degenerative changes at L-4/L-5, L-5/S-1
3 and a small protrusion, which is a disc herniation,
4 at L-4/5 and another one at L-5/S-1.

5 The first one after his incident was on
6 May 10, '21, which just showed the same L-5/S-1
7 tiny protrusion. So, essentially, it was unchanged
8 or even a little better because of the 2021 MRI
9 said there was just disc bulging at L-4/5. Whereas
10 before it says there was a protrusion so that seems
11 to have decreased.

12 MEMBER MARTIN: It seems likes it has
13 actually gotten better. Thank you.

14 DOCTOR SAMO: I mean, yes and no. These
15 are all very subtle findings. Really symptoms
16 don't correlate well to degenerative MRI findings
17 like this. They are essentially the same. There
18 is no marked new difference between the MRIs.

19 MEMBER MARTIN: There is no marked
20 difference?

21 DOCTOR SAMO: Correct.

22 MEMBER MARTIN: Thank you.

23 CHAIRMAN FORTUNA: Trustees, any other
24 questions?

1 MEMBER TEBBENS: Yes, for Dr. Samo.

2 Trustee Martin mentioned a previous layup. There
3 is a duty layup for previous back strain.

4 DOCTOR SAMO: Yes, there were.

5 MEMBER TEBBENS: And then there was
6 another lower back auto accident.

7 DOCTOR SAMO: Yes. It started in 2003.
8 August 20, '03, he had a short layup. He had a
9 layup in September of '13. Then there was the auto
10 accident in August of 15. He was laid up for five
11 months. In May of '17, there was another auto
12 accident and he was laid up for almost twelve
13 months. And then, in March of '19, he had a slip
14 and fall on the ice and he was laid up for ten
15 months. In October of '20, it was a slip and fall
16 and he was laid up for three months.

17 MEMBER TEBBENS: These were duty related?

18 DOCTOR SAMO: I don't know.

19 MEMBER TEBBENS: I see asterisks on here.
20 I'm not sure exactly what that means. The one that
21 says duty was on '03 lower back strain from
22 8-18-03.

23 DOCTOR SAMO: That was lifting a patient,
24 I do have that. The '13 one was lifting a bag of

1 kitty litter. August '15 was an auto accident.
2 May of '17 was an on-duty auto accident in '17.
3 September of '19, I don't know what happened there.
4 With the fall in '20, I don't know what that was
5 due to.

6 MEMBER TEBBENS: 5-8-17 is a duty lower
7 back auto accident?

8 DOCTOR SAMO: Correct.

9 MEMBER TEBBENS: The kitty litter could
10 that have been like oil dry on duty or was that
11 kitty litter that he was cleaning his cat's litter
12 box at home?

13 DOCTOR SAMO: I have no idea.

14 MEMBER TEBBENS: Sometimes the oil dry
15 that we use to cleanup oil spills on-duty some
16 people with call kitty litter but it is oil dry.
17 It is basically the same thing. I am just curious.
18 There are a number that have been duty related.
19 Thank you for providing that clarity for me.

20 MEMBER MARTIN: I don't think it is clear
21 from the record that it was all duty related.

22 MEMBER TEBBENS: I just got the testimony
23 from the doctor. Tony, you are not sure of the --

24 MEMBER MARTIN: There is the kitty litter

1 and things like with blinds. Just I want to know
2 from the doctor, too, Rob, is whether these
3 objective findings are --

4 MEMBER TEBBENS: I mean, setting the
5 kitty litter one to the side, we have '03 which is
6 a lower back strain which is duty which has been
7 confirmed by the doctor and we have got the auto
8 accident on duty on 5-8-17 which is lower back as
9 well. So even if we set aside the kitty litter
10 one, if he was cleaning his kitty litter box at
11 home, I don't know how many cats he's got, but that
12 is irrelevant to me. I think the two injuries are
13 --

14 MEMBER MARTIN: There is a lot of
15 injuries here, Rob. There is a lot of injuries
16 off-duty/on-duty. I mean, a lot. So the question
17 that I really have for the doctor is this. Is
18 whether or not these objective findings and
19 basically you kind of identified the findings,
20 there is not much of a difference between 2015 and
21 today, whether in your view of these
22 objective/subjective complaints are -- in your
23 experience, having viewed back injuries before, is
24 this something that is disabling to the point where

1 he can't return to work?

2 MEMBER TEBBENS: Hasn't that been
3 established? Hasn't that been the doctor's
4 testimony?

5 MEMBER MARTIN: That is what I wanted
6 clarification from Dr. Samo on.

7 MEMBER TEBBENS: Dr. Samo, is that in
8 fact your testimony?

9 DOCTOR SAMO: I missed what the question
10 is in there.

11 MEMBER MARTIN: I will ask the question.
12 Dr. Samo, based on your experience as a physician
13 and having done many firefighter duty disability
14 hearings, is what you see in those MRI's consistent
15 with somebody who will not, cannot and will not be
16 able to perform his duties?

17 DOCTOR SAMO: Yes, in that the MRI does
18 not reflect the severity of symptoms.

19 MEMBER MARTIN: Thank you.

20 MEMBER TEBBENS: So that was a yes?

21 DOCTOR SAMO: That was a yes.

22 MEMBER TEBBENS: Thank you.

23 CHAIRMAN FORTUNA: I don't hear any more
24 questions. Does anyone have any more questions?

1 MR. PINELLI: I have a question for the
2 doctor, if I might. Doctor, did you see anything
3 in the medical records that you reviewed, any
4 comment by any physician who has examined him or
5 treated him, that there was any suggestion that his
6 subjective complaints of pain were being questioned
7 by the doctors who were either examining him or
8 treating him?

9 DOCTOR SAMO: Not that I recall.

10 MR. PINELLI: Okay. That is all I have.
11 I think that concludes the evidence.

12 CHAIRMAN FORTUNA: Thank you.

13 MEMBER MURPHY: I'd like to make a motion
14 to grant the benefit requested by Fire Marshal
15 Mankowski.

16 MEMBER TEBBENS: Second.

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

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: No.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 Trustee Soni.

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Trustee Martin

5 MEMBER MARTIN: No.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: Trustee Valencia.

9 I am a yes.

10 I only have four.

11 MS. BURNS: The vote was four to two.

12 CHAIRMAN FORTUNA: Let me ask one more
13 time. Trustee Conyears-Ervin? Trustee Valencia?

14 MEMBER VALENCIA: I am here.

15 CHAIRMAN FORTUNA: Trustee Valencia,
16 there's a motion and a second to grant this
17 benefit. We just a need a vote from you.

18 MEMBER VALENCIA: Can you please go back
19 and tell me the other votes?

20 CHAIRMAN FORTUNA: Trustee Murphy yes,
21 Trustee Soni yes, Trustee Martin no, Trustee
22 Conyears-Ervin not present, Trustee Tebbens yes,
23 Trustee Sheridan no and I am a yes.

24 MEMBER VALENCIA: I vote yes.

1 CHAIRMAN FORTUNA: Okay. Please,
2 proceed, Trustee Murphy.

3 MEMBER MURPHY: Mr. President, I would
4 like to make a motion for reexam consistent with
5 Board policy.

6 MEMBER SONI: Second.

7 CHAIRMAN FORTUNA: There is a motion for
8 reexam by Trustee Murphy. Second by Trustee Soni
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 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: 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.

2 Having had a chance to review those, I'd
3 like to make a motion to adopt those Findings of
4 Fact and Conclusions of Law.

5 MEMBER MARTIN: Second.

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

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 Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: Trustee Valencia.

19 MEMBER VALENCIA: Yes.

20 CHAIRMAN FORTUNA: I am a yes.

21 Motion carries.

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

1 have requested.

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

4 MR. MANKOWSKI: Thank you.

5 MR. MARCONI: Thank you.

6 MEMBER MURPHY: The next applicant is
7 Firefighter Michael Edwards Tower Ladder 37.

8 MR. PINELLI: Let the record reflect this
9 is the Duty Disability application on behalf of
10 Michael Edwards.

11 I am one of the attorneys conducting this
12 hearing for the record. I'd like to advise you of
13 some preliminary matters before we start the
14 evidence.

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

22 MR. EDWARDS: Yes.

23 MR. PINELLI: From reviewing the record,
24 it appears you do not have an attorney filing an

1 appearance to represent you in this matter. Is it
2 your desire to proceed without an attorney?

3 MR. EDWARDS: Yes, it is.

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 seeks. Do you
8 understand it is your burden of proof, sir?

9 MR. EDWARDS: 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 a couple of
14 witnesses to testify, including the Fund's
15 physician consultant. If there is anything I don't
16 ask those witnesses that you think is important for
17 the Board to know before they vote, please let me
18 know and you will be given that opportunity. Do
19 you understand the procedures?

20 MR. EDWARDS: Yes, sir.

21 MR. PINELLI: Thank you. Then I think we
22 are ready to proceed. Is Dr. Samo on the line?

23 DOCTOR SAMO: Yes, I am.

24 MR. PINELLI: Dr. Samo and Mr. Edwards,

1 could you both please raise your right hands?

2 (Witnesses sworn.)

3 MICHAEL EDWARDS

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 for the
9 record.

10 A Michael Edwards.

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

13 A Firefighter EMT.

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

16 A Tower Ladder 37.

17 Q Did you receive a copy of Board Exhibits
18 1 through 12 prior to today's date?

19 A Yes.

20 Q Did you review them?

21 A Yes, sir.

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

24 A No, sir.

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: Exhibits admitted
6 without objection.

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

9 MR. PINELLI: Thank you.

10 BY MR. PINELLI:

11 Q Now, sir, directing your attention to
12 March 2nd of 2021, were you working on that date?

13 A Yes.

14 Q Did you sustain an injury or injuries
15 that is the basis of your application today?

16 A Yes, sir.

17 Q Understanding that the Board has your
18 statement that you have submitted in support of
19 your application, so they have reviewed that, could
20 you please briefly describe for us for today's
21 purpose where you were and what happened to you?

22 A Yes, sir. I was assigned across the
23 floor to Engine 60 and we had an assist an invalid.

24 When we arrived to the location, there

1 was a patient on the top steps, on the top landing
2 of the lobby floor, and we were attempting to bring
3 the lady down to the lower floor to -- over a
4 flight of stairs. Maybe seven or eight stairs.
5 And I was at the head of the chair and I had two
6 other firefighters, Firefighter Peebles and
7 Firefighter Egan, as Lieutenant Weaver was
8 witnessing.

9 I was at the head of the chair. I was
10 proceeding to carry the patient down the stairs and
11 the patient reached out and grabbed the handrail.
12 As she grabbed the handrail, it kind of flipped me
13 over and I fell down the stairs with my arm. Right
14 shoulder -- right arm extended. I fell. I felt a
15 sharp pop and pain in my shoulder immediately and
16 my left knee was hyperextended behind me as I fell,
17 too, and I felt that pop as well.

18 As I was trying to gather myself, I felt
19 a sharp pain up my spine, lower back, and I tried
20 to walk it off and shake it off and I got back on
21 the engine. As we made it back to the -- as we
22 were going back to the firehouse, the pain was just
23 getting more severe and I had to call an ambulance
24 and went to the University for x-rays and we went

1 from there.

2 Q Had you ever had injuries to your left
3 shoulder, lower back or your knee prior to that
4 date?

5 A No, sir. It was my right shoulder and my
6 left knee. No, I hadn't. Never.

7 Q Now subsequent to that you underwent some
8 treatment for your shoulder, is that correct?

9 A Yes. I went to Fire Department Medical
10 Department and they immediately sent me to physical
11 therapy. Upon arriving at physical therapy, the
12 physical therapist immediately saw an issue with my
13 shoulder and said that I needed to get an emergency
14 MRI as soon as possible because there was nothing
15 she could do. There was something more severe.

16 And on the MRI, we found out I had a torn
17 muscle from my bicep in my shoulder. I had a
18 rotator cuff tear.

19 Q Okay. So you had a procedure on July
20 24th of 2021 to address the tears in your right
21 shoulder and biceps, is that correct?

22 A No, I think I had the surgery in April I
23 want to say. The surgery was actually a month
24 after the actual injury.

1 Q You are right. My mistake. I was
2 thinking of the MRI on your back. So the surgery
3 was April 12th of 2021, is that correct?

4 A Yes, sir.

5 Q And now can you describe for the Board
6 the current condition with respect to your right
7 shoulder following that surgery, any pain or
8 limitations that you have in that shoulder?

9 A Yes, sir. I still have severe pain. I
10 cannot reach around my back. I have a sharp pain
11 in my -- it pops and I have -- I can't reach high.
12 I can extend my right arm a little over my head but
13 not any more -- too much farther than that at this
14 point without pain.

15 Q What about the condition of your lower
16 back? Are you experiencing any problems with that
17 currently?

18 A Yes. I have a problem when I bend over
19 to either side I feel the pain in my lower back,
20 part of my hip, my hip. Standing for any period of
21 time, I have to, you know, lean over without pain
22 so.

23 Q How about the condition of your left
24 knee? What is that like today?

1 A The left knee is a 100 percent. I am
2 good. All that swelling has gone down. No pain on
3 that.

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

6 A No, sir.

7 Q Have you engaged in any sporting
8 activities?

9 A No, sir.

10 Q Are you currently taking any medications
11 prescribed by a physician for your shoulder and
12 back pain?

13 A No, sir.

14 Q Do you have any appointments scheduled
15 with any of your treating doctors?

16 A Yes, I do. I just have to schedule --
17 unfortunately, I was diagnosed with Type 2 diabetes
18 so my blood pressure and stuff is not right for me
19 to go to therapy yet. I will be reevaluated in
20 June and hopefully I can get back into therapy
21 sessions. Therapy or whatever they are going to
22 do.

23 MR. PINELLI: Okay, thank you. That is
24 all the questions I have of the applicant.

1 CHAIRMAN FORTUNA: Trustees, any
2 questions?

3 MEMBER TEBBENS: Michael, it says the
4 stairs were wet. Were these exterior stairs? Is
5 that where you fell?

6 MR. EDWARDS: No, they are interior
7 stairs. I am not sure about the -- yes, they were
8 tile, interior tile stairs. Just regular tile
9 stairs, yes.

10 MEMBER TEBBENS: Okay. Very good. Thank
11 you.

12 CHAIRMAN FORTUNA: Trustees, any other
13 questions?

14 Hearing none, Vince.

15 MS. BURNS: If you are ready to call
16 witnesses, let me advise you that Lieutenant Weaver
17 is physically present at the Fund's office and we
18 will bring him in, if you want to proceed with him
19 first.

20 MR. PINELLI: Sure, that would make
21 sense. Thank you, if you could do that.

22 MS. BURNS: He will be in the room and he
23 will be placed in front of a camera so people can
24 see and hear him.

1 MR. PINELLI: Okay.

2 MS. BURNS: The other witness is on the
3 phone when you are ready for that gentleman.

4 Welcome, Lieutenant Weaver.

5 Go ahead, Vince. We are ready to
6 proceed.

7 MR. PINELLI: Thank you. Good morning,
8 sir. My name is Vince Pinelli. I am one of the
9 attorneys for the Fund conducting this hearing for
10 the record. I would ask you to please raise your
11 right hand.

12 (Witness sworn.)

13 KENNETH WEAVER

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

16 EXAMINATION

17 BY MR. PINELLI:

18 Q Thank you. Could you please state your
19 name and spell your last name for the record?

20 A Kenneth Weaver, W-e-a-v-e-r.

21 Q Okay. And what is your current rank with
22 the Fire Department?

23 A Lieutenant.

24 Q Where are you currently assigned?

1 A Engine 60.

2 Q Directing your attention, if I may, back
3 to the date of March 2nd of 2021, do you recall
4 working that day?

5 A Yes.

6 Q Do you recall being at the scene of a
7 call at 1605 East 50th Street sometime in the
8 morning hours that day?

9 A Yes, I do.

10 Q Are you familiar with the applicant Mr.
11 Edwards?

12 A Yes, I am.

13 Q Were you familiar with him prior to that
14 date?

15 A Yes, we have worked together on occasion.

16 Q Now directing your attention again to
17 that date and location, did you see or learn that
18 he had been injured on that day while working?

19 A Yes.

20 Q Can you briefly describe for the board
21 members what you saw or observed with respect to
22 that?

23 A We were called to assist a civilian,
24 which means that she needed help either up the

1 stairs or down the stairs.

2 So we went to that location. Upon
3 arrival, we found a female to be sitting in a
4 wheelchair and we proceeded at that point in time
5 to bring her down the stairs, if I recall. We were
6 going down the stairs. At that time she reached
7 out and the wheelchair that she was on toppled over
8 on to Mike and he ended up trying to protect her so
9 her and the wheelchair landed on him.

10 Q As a result of that, did he require
11 medical attention?

12 A Yes. After we repositioned the patient,
13 then I asked him was he okay. He was saying that
14 something was wrong with his shoulder and something
15 was wrong with his leg. So at that particular time
16 we proceeded to make sure that the person in the
17 wheelchair was okay and she said she was fine.
18 Then at that time we proceeded back to the
19 firehouse and then Mike said it's my arm and my leg
20 is real hurting me. I think I need an ambulance.
21 We called the ambulance for him.

22 Q He was transported to the hospital by
23 ambulance from there?

24 A Correct.

1 Q Now, had you worked with him prior to
2 that date?

3 A Yes.

4 Q Was he always able to perform his duties
5 without any limitations to his shoulder or his knee
6 or his back prior to that date?

7 A Yes, he was.

8 MR. PINELLI: Thank you. That is all the
9 questions I have for the Lieutenant.

10 CHAIRMAN FORTUNA: Trustees, any
11 questions?

12 Hearing none.

13 MS. BURNS: Thank you, Lieutenant. Have
14 a good day. Thank you for coming.

15 MR. PINELLI: Do we have Sean Peebles on
16 the line?

17 MS. BURNS: Yes, Vince, he is on the
18 line.

19 MR. PEEBLES: Sean Peebles, present, sir.

20 MR. PINELLI: Thank you. Sir, I am one
21 of the attorneys conducting this hearing. I'd ask
22 you to please raise your right hand.

23 (Witness sworn.)

24 SEAN PEEBLES

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

3 EXAMINATION

4 BY MR. PINELLI:

5 Q Can you state your name and spell your
6 last name for the record, please?

7 A Last name is Peebles, P-e-e-b-l-e-s. For
8 name is Shaun, S-h-a-u-n.

9 Q What's your rank with the Fire
10 Department?

11 A I am an engineer EMT assigned to Engine 9
12 at the airport.

13 Q Directing your attention to March 2nd of
14 last year 2021, where were you assigned at that
15 time?

16 A At that time I was a Firefighter EMT
17 assigned to Engine 60.

18 Q Do you recall having occasion to be at
19 the scene of a call for an assist at 1605 East 50th
20 Street?

21 A Yes, sir.

22 Q Do you recall if at that time you were
23 also working with Firefighter Edwards? Was he also
24 there?

1 A Yes, sir. Firefighter Edwards and
2 Firefighter EMT Egan.

3 Q All right. At that time and that date at
4 that location, did you see or observe Firefighter
5 Edwards sustain any injuries?

6 A Yes.

7 Q Can you tell the board members, please,
8 what you saw?

9 A Basically, we arrived at the scene. We
10 walked inside the building and the lady was at the
11 top of the stairs. There was about seven or eight
12 stairs. I was on the bottom at the right, Egan was
13 on the lady's left side, Mike was at the top.

14 As we were coming down the stairs, I kind
15 of looked up and I saw the lady reaching out and as
16 she was reaching out I noticed that Mike was losing
17 his balance and tumbling because the wheelchair
18 tipped. We were basically trying to hold onto the
19 wheelchair as tight as possible. I could see that
20 Mike was in excruciating pain.

21 Me and Egan reached up to the best of our
22 ability to grab the wheelchair to keep the lady
23 from falling and hitting her head. The wheelchair
24 kind of came down over on Mike. He held on until

1 we got the lady to the ground and he was in
2 excruciating pain from that point. He was probably
3 trying to walk it off and see if he could shake it
4 off.

5 Q To your knowledge, was he later
6 transported to the hospital as a result of the
7 injuries he sustained?

8 A Yes. Once we got back on Engine 60, we
9 was going back, Mike was complaining that he was in
10 pain. You could see it visibly on his face. When
11 we got back to the firehouse, I believe they called
12 an ambulance and they went from there.

13 Q Okay. Had you worked with him before
14 that date?

15 A Yes, sir.

16 Q For how long?

17 A I believe we had been at Engine 60
18 together. He was assigned on Tower Ladder 37. We
19 probably had been together for about four or five
20 years at Engine 60.

21 Q During that time was he always able to
22 perform his duties from what you could see without
23 any problems on his right shoulder and his left
24 knee?

1 A Yes, sir. He was always able to perform
2 his duties.

3 MR. PINELLI: Thank you, very much. I
4 have no further questions.

5 CHAIRMAN FORTUNA: Trustees, any
6 questions?

7 No questions, Vince.

8 MR. PINELLI: Thank you. You are
9 released, sir. We really appreciate you being on
10 the line for us.

11 MR. PEEBLES: Thank you.

12 MR. PINELLI: Have a good day.

13 We are ready to go to Dr. Samo.

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 Could you state your name for the record?

21 A Daniel Samo.

22 Q You are a physician, is that correct?

23 A Yes.

24 Q A copy of your qualifications are

1 attached to the Board Exhibits?

2 A Yes.

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

5 A Yes.

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

9 A That is correct.

10 Q Did you follow that procedure with
11 respect to Mr. Edwards?

12 A Yes, I did.

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

15 A Yes.

16 Q Doctor, can you tell us did you interview
17 the applicant prior to writing your report?

18 A Yes. Due to the Covid restrictions, it
19 was done by telephone. There was no physical exam.

20 Q All right. Was the information he
21 provided you in that interview consistent or
22 inconsistent with the medical records you reviewed?

23 A It was consistent.

24 Q Can you summarize for the record, please,

1 what your findings were after reviewing the medical
2 records?

3 A Based on the medical records, he had the
4 fall as was described. He injured his -- he
5 initially complained of his shoulder and knee and
6 then shortly thereafter began having back pain.
7 The knee as he described resolved so it is all
8 better. Shoulder continued to hurt and he was
9 eventually diagnosed with a rotator cuff tear for
10 which he had surgery. The back was really sort of
11 the nonspecific findings on the MRI but he had
12 ongoing pain which has been unresponsive pretty
13 much to epidural injections and physical therapy.
14 So he continues to have ongoing problems in his
15 shoulder and in his low back.

16 Q Given those current symptoms, would he be
17 able to perform his duties in the Fire Department?

18 A I do not believe so.

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

21 CHAIRMAN FORTUNA: Trustees, any
22 questions?

23 Hearing none, thank you.

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

1 to make a motion to grant the benefits requested by
2 EMT Firefighter Edwards.

3 MEMBER MARTIN: Second.

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

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee Martin

12 MEMBER MARTIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Tebbens.

14 MEMBER TEBBENS: Yes.

15 CHAIRMAN FORTUNA: I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Mr. President, I'd like
18 to make a motion for reexam consistent with the
19 Board's policies.

20 MEMBER TEBBENS: Second.

21 CHAIRMAN FORTUNA: Motion for reexam by
22 Trustee Murphy. Seconded by Trustee Tebbens.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.

2 MEMBER SHERIDAN: Yes.

3 CHAIRMAN FORTUNA: Trustee Martin

4 MEMBER MARTIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: 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.

12 Having had a chance to review those, I'd
13 like to make a motion to adopt those Findings of
14 Fact and Conclusion of Law.

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 Martin

23 MEMBER MARTIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Tebbens.

1 MEMBER TEBBENS: Yes.

2 CHAIRMAN FORTUNA: 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 and good luck.

11 MR. EDWARDS: Thank you, sir.

12 MEMBER MURPHY: Mr. President, our next
13 duty applicant is Michele Martinez Paramedic in
14 Charge.

15 MR. PINELLI: Ms. Martinez, are you on
16 the line?

17 MS. MARTINEZ: I am. Good morning, sir.

18 MR. PINELLI: Good morning. I am one of
19 the attorneys for the Fund. I will be conducting
20 this hearing for the record.

21 Let the record reflect this is a hearing
22 on the application for Duty Disability benefits
23 being made by Paramedic in Charge Michelle
24 Martinez.

1 I would like to advise you of some
2 preliminary matters before we start evidence.
3 There are currently five Trustees present to hear
4 the evidence on your application. Based upon the
5 Pension Code, it requires that you get the yes vote
6 of all of those five Trustees in order to receive
7 this benefit. Do you understand that?

8 MS. MARTINEZ: Yes.

9 MR. PINELLI: I see you do not have an
10 attorney representing you in this matter. Is it
11 your desire to proceed without an attorney?

12 MS. MARTINEZ: Yes, it is.

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

18 MS. MARTINEZ: Yes, I do.

19 MR. PINELLI: By way of procedures, I am
20 going to start by asking you some questions under
21 oath. The board members may or may not have
22 questions of you.

23 Then I will call some witnesses to
24 testify, including the Fund's physician consultant,

1 Dr. Peters. If there is anything I don't ask those
2 witnesses that you think is important for the Board
3 to know before they vote on it, please let me know
4 and you will be given that opportunity. Do you
5 understand the procedures?

6 MS. MARTINEZ: Yes, I do.

7 MR. PINELLI: Okay. Then we are ready to
8 proceed. Is Dr. Peters on the line?

9 DOCTOR PETERS: Yes.

10 MR. PINELLI: Dr. Peters and Ms.
11 Martinez, could you both please raise your right
12 hands?

13 (Witnesses sworn.)

14 MICHELE MARTINEZ

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

17 EXAMINATION

18 BY MR. PINELLI:

19 Q Ma'am, would you please state your name
20 and spell your last name for the record?

21 A Michele Martinez, M-a-r-t-i-n-e-z.

22 Q Ms. Martinez, what is your rank with the
23 Fire Department?

24 A Paramedic in Charge.

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

3 A Ambulance 74.

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

8 A I did.

9 Q Did you have a chance to review them?

10 A I did.

11 Q Do you have any objection to their
12 admission into the record for the Trustees to
13 consider in this matter?

14 A I do not.

15 MR. PINELLI: Thank you.

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

19 CHAIRMAN FORTUNA: Admitted without
20 objection.

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

23 MR. PINELLI: Thank you.

24

1 BY MR. PINELLI:

2 Q Now, Ms. Martin, directing your attention
3 to the date of March 9th of 2021, were you working
4 that day with the Chicago Fire Department?

5 A I was.

6 Q Did you sustain an injury or injuries
7 that is the basis of this application?

8 A I did.

9 Q Understanding that the Board does have
10 your written statement that was submitted with the
11 Board Exhibits, could you still briefly describe
12 for us for the record today where you were and what
13 happened to you?

14 A I was assigned to Ambulance 74. We were
15 dispatched to a psychiatric emergency approximately
16 at Ohio and Wells around 9, 9:30.

17 I went to step out of the ambulance and
18 when I do step out I turn myself because I am very
19 careful stepping out and when I did I rolled both
20 ankles on either a manhole cover, it was uneven, a
21 pothole, but I dropped to the ground with both
22 ankles. I felt my right ankle roll and I felt my
23 left ankle fracture. I was unable to get up off
24 the ground. My partner exited the ambulance and

1 then she provided medical attention to me.

2 Q Now had you ever had any problems or
3 injuries to either of your ankles prior to that
4 date?

5 A My right ankle I did roll on two
6 occasions at work but I had physical therapy. My
7 left ankle was broken January, 2001 I believe. I
8 had surgery but never had any problems on-the-job
9 at all with that ankle.

10 Q So you broke up a little bit there.
11 There was some noise background, but just so I am
12 clear, you did have prior injuries to each of those
13 ankles but you were able to heal and come back to
14 work --

15 A Correct.

16 Q -- after those injuries? Okay. Were
17 those injuries while you were on-duty or duty
18 related?

19 A Yes. The right ankle that I rolled two
20 times was duty related, that was again stepping out
21 of the ambulance. The left ankle that I had prior
22 surgery to was prior to getting on the job.

23 Q Okay. Now, with respect to treatment to
24 the ankles afterwards, after this incident, did you

1 ultimately have surgery on March 16th of 21st?

2 A Yes.

3 Q To what ankle did you have the surgery
4 on?

5 A My left ankle.

6 Q Was that pursuant to an examination that
7 indicated it had fractured?

8 A Correct.

9 Q Following that surgery on the left ankle,
10 can you describe for us currently what is the
11 condition with respect to the left ankle for any
12 pain or limitations?

13 A I have a limited range of motion
14 specifically going down stairs. I am in constant
15 pain. I am at a two -- one to two at resting. Any
16 type of walking increases from a three to a seven,
17 depending on weightbearing. And I have gained ten
18 pounds. I have continual burning from the complex
19 regional pain syndrome. It is very difficult for
20 me to walk down stairs. I can go up okay. I
21 stiffen up a lot and am exhausted from just the
22 pain and just trying to walk on that left leg. I
23 don't have full feeling in my left leg. It is also
24 weaker than my right so I force myself to walk to

1 try to maintain that muscle but I still don't have
2 100 percent contracting of my left thigh muscle. I
3 feel unbalanced quite a bit and I have to hang on
4 walking down my own stairs in my own home.
5 Carrying laundry is a very difficult task for me so
6 I have to limit myself with weight. I do not sleep
7 at night. I have difficulty sleeping due to the
8 heatness of the ankle and I have to constantly
9 shift from side to side. I don't sleep much.

10 Q What about the condition of your right
11 ankle, what is that like today? Ms. Martinez, did
12 you hear me? Maybe I cutout. Hello, Ms. Martinez?

13 MS. BURNS: We are checking, Vince.

14 MEMBER MARTIN: I'm sorry. My phone
15 disconnected. My husband turned on the car and it
16 was a handsfree link. Sorry.

17 BY MR. PINELLI:

18 Q I have done that myself many times. No
19 problem.

20 My question was simply what is the
21 condition of your right ankle today, is that still
22 a problem?

23 A My right ankle I have difficulty also
24 walking down the stairs. What happens is it

1 catches and when it catches I drop to my knees. So
2 it is behind the right ankle bone and it can happen
3 at any given time going down the stairs, stepping
4 off a curb. I never know when it's going to happen
5 so I am very --

6 Q I'm sorry, you cut out there.

7 A I'm sorry. It keeps going to the
8 handsfree link. My husband is going to shut off
9 the car.

10 Q Okay. So you're still having problems
11 with the right ankle as well as the left it sounds
12 like from your description?

13 A Yes. Yes.

14 Q Now you underwent a Functional Capacity
15 Evaluation on November 3rd of '21, is that correct?

16 A That is correct.

17 Q You used your best efforts to put forth
18 maximum effort when you took that test?

19 A Absolutely.

20 Q And were you able to reach the very heavy
21 level of physical demand?

22 A I was not.

23 Q Were there certain restrictions in what
24 you could do physically with respect to that

1 testing?

2 A Yes.

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

5 A No.

6 Q Have you engaged in any sporting
7 activities?

8 A No.

9 Q Are you currently taking any medications
10 prescribed by a physician for pain relief for
11 either ankle?

12 A I am no longer taking anything.

13 Q Do you have any scheduled appointments
14 with your physicians who are treating you for your
15 ankles?

16 A I do not.

17 MR. PINELLI: Thank you. That is all the
18 questions I have of the applicant.

19 CHAIRMAN FORTUNA: Trustees, any
20 questions?

21 No questions, Vince.

22 MR. PINELLI: Then I think we have a
23 witness. Is there a witness on the line?

24 MS. OESTERLE: Yes.

1 MS. MARTINEZ: There should be Maria
2 Oesterle.

3 MS. OESTERLE: I am present.

4 MR. PINELLI: Good morning, ma'am. I am
5 one of the attorneys for the Fund. I just have a
6 few questions for you but before I do that could
7 you just raise your right hand?

8 (Witness sworn.)

9 MARIA OESTERLE

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

12 EXAMINATION

13 BY MR. PINELLI:

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

16 A My name is Maria Oesterle,
17 O-e-s-t-e-r-l-e.

18 Q What's your rank with the Fire Department
19 currently?

20 A Currently I am PIC. At that time I was a
21 PM.

22 Q What is your current assignment?

23 A I am with Field Division North. I am on
24 medical layup.

1 Q I'd like to direct your attention to the
2 date of March 9th of 2021. Were you on active duty
3 and working that day?

4 A Correct.

5 Q Do you recall having occasion to be at a
6 scene at 540 North Wells Street in Chicago?

7 A I do.

8 Q Do you recall Paramedic in Charge Michele
9 Martinez also being at that location?

10 A Correct.

11 Q Did you see or observe her sustain any
12 injuries that day?

13 A I witnessed her on the floor. I did not
14 see the actual fall.

15 Q Can you tell us where she was and what
16 you did observe of her that day?

17 A Sure. When I came out of the driver's
18 side, I went around the ambulance, I looked for her
19 and then I saw her on the ground. She was on kind
20 of like a manhole cover holding one of her legs. I
21 don't remember which one. I asked her what
22 happened? I went down. I could tell that it was
23 fractured. At that point I went to the back of the
24 ambulance to get the stretcher. A retired

1 firefighter came up and asked if we were okay and
2 he asked if he was able to assist us or assist me.
3 Pulled the stretcher by Michele. He assisted me
4 getting Michele inside the ambulance. I rendered
5 medical care. An IV was started. Medical care was
6 provided. And when the second ambulance came care
7 was transferred to the second ambulance.

8 Q When the incident happened at first it
9 was just the two of you there as far as fire
10 personnel?

11 A Correct. Yes.

12 Q She exited the passenger side and you
13 exited the driver's side. As you say you saw her
14 on the ground then, is that right?

15 A Correct.

16 Q Okay. Had you worked with her prior to
17 that date?

18 A I believe once or twice.

19 MR. PINELLI: Thank you. That is all the
20 questions I have.

21 CHAIRMAN FORTUNA: Trustees, any
22 questions?

23 No questions, Vince.

24 MR. PINELLI: No questions. Thank you,

1 very much for being on the line today. We
2 appreciate it. You are excused.

3 MS. OESTERLE: Thank you.

4 MR. PINELLI: At this time I would call
5 Dr. Peters to testify.

6 (Witness previously sworn.)

7 MICHAEL I. PETERS, 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 Sir, please state your name.

13 A Michael I. Peters.

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

15 A Yes, it is.

16 Q You perform a function as a physician
17 consultant to this fund?

18 A Yes, I do.

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

22 A Yes.

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

1 A Yes, I did.

2 Q Doctor, did you interview the applicant
3 due to the current Covid restrictions?

4 A By telephone, yes.

5 Q Was the information she provided you
6 consistent or inconsistent with the medical records
7 that you had reviewed prior to your interview?

8 A Consistent.

9 Q Can you just summarize for us, please,
10 doctor, what your findings were after reviewing the
11 medical records and interviewing the applicant?

12 A Yes. Ms. Martinez, as she described,
13 stepped out of the ambulance, inverted her left
14 ankle and suffered a multiple bone fracture and
15 dislocation of the left ankle, that required
16 surgical repair and fixation.

17 As a complication of that procedure and
18 that injury, she developed complex regional pain
19 syndrome, which has a set of criteria some of which
20 are objective and she meets the established
21 criteria for that disorder. Because of that she
22 has chronic pain and other symptoms that make it
23 hard for her to walk for prolonged periods of time.

24 Q Doctor, this CRPS that you described is

1 that something that could result from the type of
2 injury that she suffered in her left ankle?

3 A Yes, it can.

4 Q She's currently undergoing treatment for
5 that, is that correct?

6 A Yes, she is.

7 Q And, doctor, did you also see that she
8 underwent a Functional Capacity Evaluation, which
9 is Board Exhibit 9 in this matter?

10 A Yes. On November 3rd of 2021 and she
11 only achieved a moderate physical demand level.

12 Q Did it indicate that she gave maximum
13 effort and that the results of the test were valid
14 as far as the tester was concerned?

15 A Yes, it did.

16 Q Were there limitations described in there
17 of lifting for her based upon her condition?

18 A Yes. She did not meet the requirements
19 for her full-time duties.

20 Q Based upon those conditions and those
21 results, do you believe she could perform her
22 duties with the Fire Department at this time?

23 A No.

24 MR. PINELLI: Thank you, doctor. That is

1 all the questions I have.

2 CHAIRMAN FORTUNA: Trustees, any
3 questions for the doctor?

4 Hearing none.

5 MEMBER MURPHY: I'd like to make a motion
6 to grant the benefit requested by Paramedic in
7 Charge Michele Martinez.

8 MEMBER MARTIN: Second.

9 CHAIRMAN FORTUNA: Trustee Murphy made
10 the motion. Trustee Martin made the second.
11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee Martin

16 MEMBER MARTIN: Absolutely.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Mr. President, I'd like
22 to make a motion for reexam consistent with the
23 Board's policy.

24 MEMBER TEBBENS: Second.

1 CHAIRMAN FORTUNA: There is a motion for
2 reexam by Trustee Murphy. Seconded by Trustee
3 Tebbens.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee Martin

9 MEMBER MARTIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

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

20 MEMBER SHERIDAN: Second.

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

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: I am a yes.

8 Motion carries.

9 Based on the Findings of Fact and
10 Conclusions of Law made by the Trustees, the
11 Trustees have voted to grant you the benefit you
12 have requested.

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

15 Thank you and good luck.

16 MS. MARTINEZ: Thank you, very much and
17 thank you for all your time, gentlemen and women.

18 MEMBER MURPHY: Mr. President, next we
19 have a hearing for Firefighter EMT Anthony Pucci
20 Truck 47.

21 MR. PINELLI: Good morning, sir. My name
22 is Vince Pinelli. I am one of the attorneys for
23 the Pension Fund. I will be conducting this
24 hearing for the record. I'd like to advise you of

1 some preliminary matters before we start the
2 evidence.

3 First of all, there are five Trustees
4 present at this time to hear the evidence on your
5 application. The Pension Code requires that you
6 get the yes vote of those five Trustees, all five
7 of them, in order to receive this benefit. Do you
8 understand that?

9 MR. PUCCI: Yes, sir.

10 MR. PINELLI: Okay. The record indicates
11 you do not have an attorney representing you. Is
12 it your desire to proceed without an attorney?

13 MR. PUCCI: That is correct.

14 MR. PINELLI: It is the applicant's
15 burden of proof to present sufficient evidence in
16 order for the Board to grant the benefit that the
17 applicant is seeking. Do you understand it is your
18 burden of proof?

19 MR. PUCCI: Yes, sir.

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 some witnesses.
24 If there is anything I don't ask the witnesses that

1 you think is important for the Board to know,
2 please let me know and you will be given that
3 opportunity. Do you understand the procedures?

4 MR. PUCCI: Yes, I do.

5 MR. PINELLI: Is Dr. Peters still on the
6 line?

7 DOCTOR PETERS: Yes.

8 MR. PINELLI: Sir, would you please raise
9 your right hand and Dr. Peters as well?

10 (Witnesses sworn.)

11 ANTHONY PUCCI

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, would you please state your name and
17 spell your last name for the record?

18 A My name is Anthony Pucci, P-u-c-c-i.

19 Q What's your rank with the Fire
20 Department?

21 A Firefighter EMT.

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

24 A Truck 47.

1 Q Directing your attention to the group of
2 Board Exhibits marked 1 through 12, you should have
3 been provided a copy of those before today's date.
4 Did you receive them?

5 A Yes, we did.

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

8 A No.

9 MR. PINELLI: Mr. Chairman, I move for
10 admission of Board Exhibits 1 through 12, without
11 objection from the applicant.

12 CHAIRMAN FORTUNA: Admitted without
13 objection.

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

16 BY MR. PINELLI:

17 Q Now, sir, you are applying for this Duty
18 Disability benefit based upon injuries that you
19 sustained on two different dates; February 16th of
20 2021 and March 15th of 2021, is that correct?

21 A Yes, sir.

22 Q Understanding that the Board has your
23 written submission with your statement of what
24 occurred on those two dates, nevertheless, could

1 you please just briefly describe for us what
2 occurred on those dates to cause you the injuries
3 that are the basis of your application?

4 A Sure. Well, I believe it started back on
5 February 16th. We responded to a still on
6 Hollywood. I believe the address was like 1040
7 Hollywood. We did truck work, engine work,
8 whatever, and on my way out -- on that day it was
9 very icy, snowy.

10 Obviously, when I was coming out, I must
11 have misjudged my foot and I slipped and I fell
12 forward. I fell forward. When I did fall, I had
13 full equipment on. I had tools in both hands.
14 That is when I -- the Chief was there and a few
15 workers behind me and asked me if I was okay. And
16 when I rolled over and I said my shoulders were --
17 I said I hurt my shoulders.

18 From there, we went back to quarters. We
19 had an ambulance meet us there and take me to the
20 hospital. From there they did their -- whatever
21 they had to do and they released me even though I
22 had pain.

23 The second incident, which was about
24 three weeks later approximately, even though I did

1 have pain during that time, we responded to a still
2 on Ashland Avenue. I believe it was like 4950
3 North Ashland.

4 Since I am the driver, I do have an SCBA
5 but it is in a compartment not like the other
6 firefighters where they are sitting on their backs.

7 So when I got out, I went and opened my
8 compartment. I went to put on my SCBA. When I
9 went to put it on, I had some major sharp pains in
10 my shoulders. I was unable to lift the SCBA. I
11 dropped it down and from there is when I requested
12 to be taken and have my shoulders looked at again.

13 Q Okay. With respect to the first
14 incident, on February 16th of '21, you described
15 how you fell. Did your arms like extend out as you
16 hit the ground or was it like you landed on your
17 shoulders?

18 A In my left hand, I had a 12-foot sledge.
19 In my right hand, I had my ax tight pulled and SCBA
20 on and everything.

21 When I fell, I kind of fell awkward like
22 rolling forward and when I fell I fell on my
23 forearms like outward a little bit. Not straight
24 down, but out a little bit. Clenching my tools in

1 my hand in case I didn't fall on them. I didn't
2 fall straight down on them. I fell outward a
3 little bit on my forearms and my shoulders.

4 Q Like your arms were a little extended so
5 there was pressure on your shoulders, I would
6 assume?

7 A Correct.

8 Q So you were released to go back to work
9 but you indicated you continued to have pain in
10 both shoulders right up until the second incident?

11 A Yes. Well, the thing is -- sure, I had
12 pain so I would take Aleve or whatever. And
13 hopefully was hoping that, you know, once again it
14 was just a bruise or whatever basically is what the
15 doctor was saying. Yes, I did continue to work
16 hoping for the best.

17 Q Sure. They didn't do a MRI on either of
18 your shoulders after that first incident, correct?

19 A The first incident they did -- what
20 happened was they took x-rays and like I said it
21 was either an intern or doctor came up to me and
22 told me there was nothing broke and that -- I told
23 them I was still in pain. They advised me to take
24 some Aleve or Advil or something like that for the

1 pain.

2 Q So then fast forward to after the March
3 15th incident where you had pain, significant pain,
4 that you couldn't even put on your gear. Then you
5 went and did you have a MRI after that?

6 A I was taken to the same hospital, St.
7 Francis. I was seen by a Dr. Orozco. We explained
8 -- I believe the Chief was with me at that time
9 also. Anyways, we explained that to the doctor and
10 she looked and she told me that I should have been
11 laid up, that I should not return to work until --
12 I need to see an orthopedic surgeon or an ortho.

13 Q Subsequently, you did see an ortho and
14 you ultimately underwent surgery on your right
15 shoulder, is that correct?

16 A Left and right both.

17 Q In August of last year, was that your
18 right first?

19 A That is correct.

20 Q And then the surgery on your left
21 shoulder you just recently had, right?

22 A I did. Three weeks ago.

23 Q Three weeks ago. Okay. So let's talk
24 about after the first surgery on your right

1 shoulder, in August, tell us about your current
2 condition with respect to your right shoulder,
3 pain, limitations and so forth, or is it all healed
4 up?

5 A Well, the right shoulder -- let's put it
6 this way, since I needed shoulder on the left, what
7 we did after the surgery on the right when I had to
8 wait five weeks because it was in a sling. After
9 that, the therapist suggested -- I guess what
10 happens is you have to get the range of motion,
11 okay. The strength I guess comes later on with a
12 lot of work. But the range of motion was the big
13 thing because they could only get me so far even
14 during therapy because my left shoulder was
15 affected so I could only do certain things. I
16 guess the main goal was to get the right shoulder
17 active with the range of motion good so that we
18 could have surgery on the left, get that done, and
19 then basically work at them both together for the
20 finale to strengthen it.

21 Q So your current condition, obviously,
22 since you're just so recent postsurgery on your
23 left, you haven't started PT or anything at this
24 point?

1 A I just started. I was there yesterday I
2 was at therapy.

3 Q All right. Is that designed for both
4 shoulders?

5 A I am hoping. What I am doing, though,
6 even though when I was there yesterday, it was very
7 -- since it is the initial state of it, they are
8 going to be working both shoulders. Because I will
9 do something, they check the range and everything.
10 But also I have to remind them that I was there for
11 my right shoulder and that once again range of
12 motion was there but that still needs to be worked
13 on also. I mean, it is in their paperwork and it
14 is in their notes but both shoulders have to be
15 worked on, correct.

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

18 A No. I have been sitting at home every
19 darn day.

20 Q You haven't engaged in any sporting
21 activities, I take it?

22 A That is correct, no.

23 Q Have you taken any pain medication
24 prescribed by a physician?

1 A I stopped taking that. If I do, from
2 like after therapy yesterday, I would take some
3 Aleve for the pain and ice.

4 Q Do you have any scheduled appointments
5 with the doctor who did the surgeon on your left
6 shoulder?

7 A Yes. It is Dr. Gordon Nuber and I will
8 see him May 5th.

9 MR. PINELLI: Thank you. That is all the
10 questions I have of the applicant.

11 CHAIRMAN FORTUNA: Trustees, any
12 questions?

13 MEMBER MURPHY: No questions.

14 CHAIRMAN FORTUNA: Hearing none, Vince.

15 MR. PINELLI: All right. Do we have
16 either District Chief Jurewicz on the line or
17 William Rivera?

18 MR. JUREWICZ: Yes. Robert Jurewicz is
19 here. Deputy District Chief of the 2nd District.

20 MR. PINELLI: Thank you, sir. I am one
21 of the attorneys for the Pension Fund. I just have
22 a few questions for you.

23 Could you please, first of all, raise
24 your right hand?

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(Witness sworn.)

ROBERT JUREWICZ

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

EXAMINATION

BY MR. PINELLI:

Q You have already told us your current rank is Deputy Chief, is that correct?

A Yes, it is.

Q What is your current assignment?

A My current assignment is the 2nd District.

Q I'd like to direct your attention to the date of February 16th of 2021. Do you recall working that day?

A I certainly do.

Q Do you recall being at a scene at 1040 West Hollywood?

A Yes, we had a still there.

Q Okay. Was the applicant Mr. Pucci there as well?

A Yes, he was. He was a driver of Truck 47. At the time I was a Battalion Chief.

Q Do you recall, sir, did you learn that

1 day or see, hear or observe that he sustained any
2 injuries?

3 A I certainly did.

4 Q Could you briefly tell the board members
5 what you know about that?

6 A Sure. The members had gone into the
7 building to investigate a still. We had a small
8 little fire in the building. Everybody had done
9 their jobs, put the fire out. All the firefighters
10 were coming out of the building. I was giving the
11 office an update.

12 I turned around to watch traffic to make
13 sure they didn't have a problem getting in their
14 rigs. At that moment, I observed Firefighter Pucci
15 basically his feet went up in the air and he came
16 down on his left shoulder and it was just wow.

17 First thing I asked him are you okay? He
18 says, yes, but my shoulder is a little sore. So I
19 said, well, I will call an ambulance. He said, no,
20 I think it will be okay.

21 When we got back to the firehouse, as he
22 was taking his fire gear off, he said, "Chief, I
23 need to go to the hospital". So we sent him to the
24 hospital to have him looked at.

1 Q Did you happen to notice did he slip
2 because of the condition of the ground or you don't
3 know you just saw him slip?

4 A There was quite a lot of snow and ice on
5 the ground. Especially where the City trucks had
6 plowed everything off the truck earlier that
7 morning. It was all piled up against the side and
8 the truck was right next to it. When he went to
9 put his gear in his compartment behind the cab that
10 is where he slipped and fell. As soon as he opened
11 the compartment up he went and that was it. He
12 came down on it.

13 Q Had you ever worked with him before that
14 date?

15 A I have.

16 Q To your knowledge, was he always able to
17 perform his duties with the Fire Department without
18 any limitations on his shoulders?

19 A Absolutely. He had no problems
20 whatsoever.

21 MR. PINELLI: Great. That is all the
22 questions I have. I don't know if the Board does.
23 Hold on one second, if you would.

24 CHAIRMAN FORTUNA: Trustees, any

1 questions?

2 MEMBER MURPHY: No questions for the
3 Chief.

4 CHAIRMAN FORTUNA: Hearing none, Vince.

5 MR. PINELLI: No questions, Chief. Thank
6 you, very much for being here with us today and
7 holding on the line until we got through this
8 hearing. We appreciate it.

9 MR. JUREWICZ: Thank you, very much. You
10 all have a nice day.

11 MR. PINELLI: You, too.

12 At this time I would call Dr. Peters to
13 testify.

14 (Witness previously sworn.)

15 MICHAEL I. PETERS, 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 Michael I. Peters.

22 Q You are a physician, is that correct?

23 A Yes.

24 Q Your qualifications are attached to the

1 Board Exhibits?

2 A Yes.

3 Q Do you perform a function as a consultant
4 to this Fund?

5 A Yes, I do.

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

9 A Yes.

10 Q Did you follow that procedure with
11 respect to Mr. Pucci?

12 A Yes, I did.

13 Q Did you file a written report marked as
14 Board Exhibit 2?

15 A Yes.

16 Q Doctor, did you interview the applicant
17 due to the current Covid limitations?

18 A Yes, by telephone.

19 Q Was the information he provided you
20 consistent with the medical records you reviewed?

21 A Yes, it was consistent.

22 Q Would you briefly describe for us what
23 the medical records indicated to you as far as his
24 condition?

1 A As he described, he had an initial fall
2 it sounds like onto both forearms while he was
3 holding tools. Probably had acute injuries to his
4 rotator cuffs at that time, that would be most
5 likely.

6 It was then exacerbated when he tried to
7 swing his SCBA over his head. Ultimately, he
8 required operative repair of both shoulder rotator
9 cuffs. After the first one on the right side, he
10 did recover range of motion but had not recovered
11 full strength. As he mentioned, he just recently
12 had arthroscopy on the left shoulder so he is just
13 initiating rehabilitation for that.

14 Q I take it he is clearly not at MMI with
15 respect to the left shoulder, right, not yet?

16 A Correct.

17 Q Doctor, his testimony that he underwent
18 an x-ray after the February 16th incident, x-rays
19 are generally going to tell you if bones are broken
20 but they are not going to tell you if there are
21 rotator cuff tears, right?

22 A It is not a very sensitive test for that.
23 There are some indirect findings that might support
24 a rotator cuff injury. It is not the standard of

1 care to make a diagnosis using an x-ray, no.

2 Q Thank you. Based upon his current
3 condition, would he be able to perform his duties
4 with the Fire Department?

5 A No.

6 MR. PINELLI: Thank you, doctor, that is
7 all the questions I have.

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

10 None, Vince.

11 MEMBER MURPHY: Motion to grant the
12 benefit requested by Firefighter Anthony Pucci.

13 MEMBER MARTIN: Second.

14 CHAIRMAN FORTUNA: There is a motion 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 Martin

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: 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 TEBBENS: Second.

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

9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: I am a yes.

18 Motion carries.

19 MEMBER MURPHY: Counsel has previously
20 sent around proposed Findings of Fact and
21 Conclusions of Law in this case.

22 Having had a chance to review those, I
23 would make a motion to adopt those Findings of Fact
24 and Conclusions of Law in this matter.

1 MEMBER SHERIDAN: Second.

2 CHAIRMAN FORTUNA: Motion by Trustee
3 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 Martin

9 MEMBER MARTIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: I am a yes.

13 Motion carries.

14 Anthony, can you hear me.

15 MR. PUCCI: Yes, sir.

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

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

22 Thank you and good luck to you.

23 MR. PUCCI: Thank you all.

24 MEMBER MURPHY: Motion to approve the

1 Board physician reviews of disability recipients.

2 MEMBER MARTIN: Second.

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

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee Martin

10 MEMBER MARTIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Moving on to Item 6,
16 Investments. I'd like to move this issue over to
17 Trustee Martin and Lorna.

18 MEMBER MARTIN: Lorna, do you want to go
19 through it with everything we have on the table?

20 MS. SCOTT: Sure. All of my reports are
21 in BoardPaq. I shared my screen so you can see
22 them. These are the usual charts related to
23 performance as well as the quarterly charts on
24 securities lending and private market cash flows

1 and then there are a few extras.

2 Everything is easy to read. Given the
3 full agenda, I am going to give you basically some
4 investment highlights.

5 First of all, we are in a quiet period
6 for the infrastructure RFP and for the Private
7 Credit RFP.

8 Brady will give us an update on the
9 infrastructure in just a few minutes.

10 Very quickly to performance, it's been a
11 rough, rough start to the year. Only commodities
12 are doing very well. U.S. growth is lagging and
13 then we have large cap outperforming small cap and
14 value outperforming growth. Those are the big
15 themes.

16 So what does the Fund do? Well, positive
17 in March but it wasn't enough to cover for the year
18 so the Fund is down 5.9 percent. Underperforming
19 the benchmark which is down 3.9 percent. We are
20 underperforming by 200 basis points and most of
21 that underperformance is coming from manager
22 performance. Poor manager performance is hurting
23 us this year-to-date.

24 Which managers? It is primarily

1 international equity managers and the U.S. equity
2 managers. I will tell you it is primarily our
3 growth managers are underperforming.

4 Brady is going to dig more into
5 performance with his quarterly report so I will
6 leave the rest of the performance to him to cover
7 later on.

8 Looking at securities lending very, very
9 quickly. This first slide shows us who has
10 borrowed our securities as of March 31st. We have
11 got \$94 million out on loan.

12 The big takeaway here is we are not
13 concentrated with any particular borrower and all
14 these borrowers are pretty highly rated. We have
15 received the appropriate level of collateral. All
16 good here.

17 Other than that, there is the quarterly
18 private cash market flows. The big takeaway there
19 is a cash outflow position. We had more capital
20 calls than we did distributions in the first
21 quarter, not unexpected.

22 Other than that, Russian exposure, no
23 change.

24 The diversity review is primarily just

1 some charts I created based on the diversity charts
2 I receive at year end.

3 Informational. I will leave that for
4 your review.

5 Brady, did you want to touch on the
6 Rhumblin organizational change?

7 MR. O'CONNELL: Sure. A quick update on
8 this. There is a letter from Rhumblin. Their CEO
9 announced his retirement so we're monitoring some
10 turnover senior executive level.

11 The Board does not need to take action at
12 this point. It is just informational. But this
13 does result in ownership change so after this
14 retirement takes place there is a change in
15 ownership and it results in the firm becoming 51
16 percent female owned. Historically, it has been a
17 MWDBE firm based on a combination of a female and
18 minority ownership so it is kind of squarely in the
19 female owned category after this change. Just a
20 FYI.

21 MS. SCOTT: On the infrastructure?

22 MR. O'CONNELL: In the FYI department, I
23 wanted to report to the Board, we received ten
24 responses to the infrastructure RFP. We have

1 listed the managers that have responded. We are
2 working to evaluate those responses and we'll be
3 back to the Board in May with a recommendation for
4 the finalists that we think the Board should
5 interview.

6 MS. SCOTT: The last thing I have on the
7 agenda is the review of sustainable investing. I
8 did want to have a brief conversation on our
9 approach to sustainable investing. It is a
10 reminder that sustainable investing is in the
11 Illinois Pension Code. In our Investment Policy
12 Statement, we do have criteria there that they will
13 regularly consider sustainable investing in
14 evaluating investment decisions.

15 At this point, we do not have a manager
16 hired to do specifically sustainable investing.
17 Before we even do that, it is probably worth
18 checking out with our current managers how they
19 incorporate sustainable investing principles into
20 their investment process.

21 What I did was I created a brief, easy
22 survey of 22 firms. I excluded Rhumblin, who is
23 our index manager. I excluded PIMCO, who is our
24 commodities manager. And I excluded two inactive

1 firms, Mesirow and Apollo.

2 The big takeaway here the majority of our
3 managers are managing our assets in line with
4 sustainability factors. You can see it from a
5 signatory perspective where they signed on \$766
6 million, 87 percent of our assets, are managed by
7 firms who have signed on to be an UNPRI signatory.
8 Those signatories commit to integrating ESG into
9 their investment decision making process.

10 I think the key takeaway is we may not
11 have a specific dedicated manager managing
12 sustainable investment but most of our managers are
13 keenly aware of sustainable investing and have
14 incorporated this into their investment process.
15 Our managers are leaning towards sustainable
16 investing already.

17 81 percent of our assets are managed by
18 firms where there is a firm wide ESG responsible
19 investing policy. 56 percent of our assets are
20 managed by firms where there is a dedicated ESG
21 function at the firm. It is not just being handled
22 by the investment analysts but a separate group
23 actually manages the ESG of the security.

24 And then, finally, next to last, this is

1 the big one, our ESG considerations integrated into
2 the investment decision making process. 95 percent
3 of our assets are managed by firms that currently
4 integrate ESG into their process.

5 I don't know if Brady wants to comment on
6 what Callan is doing with sustainable investing.

7 MR. O'CONNELL: Yes. Thank you, Lorna.

8 Separately, we are working with these
9 managers to understand the steps that they are
10 taking for sustainability.

11 I think one thing we want to be sensitive
12 to is we talk about managers hiring people to be
13 focused on ESG and having policies and that
14 requires resources. We don't want to penalize
15 small or emerging managers for not having the
16 budget or the head count that giant firms might
17 have to throw at ESG.

18 We are taking a more kind of proactive
19 approach to working with these managers to bring
20 their ESG into sustainability bracket.

21 MS. SCOTT: I think I want it on the
22 record that we as a Board had talked about
23 sustainable investing. Other things that we do, we
24 do ask sustainable investing questions in the RFP

1 and then on an annual basis we ask about each
2 firm's approach to sustainability and how they have
3 incorporated it in that year and to give me
4 examples.

5 If you are ever asked what do you do with
6 sustainable investing, we do do something. The
7 answer is we don't do anything and now having an
8 annual conversation on what sustainable investing,
9 how it flows into our investments, we can check the
10 box on that one as well.

11 With that, I will conclude investments.

12 MEMBER MARTIN: Going back to Brady, I
13 was kind of hoping the two of you could touch on
14 our underperformance. Whether it is just related
15 to the index, whether it is consistent with our
16 peers and what we could do and just kind of how we
17 should think about it going forward. Do you have
18 an answer for us on what we can do to address our
19 underperformance because I think it is significant.

20 MS. SCOTT: Right.

21 MEMBER MARTIN: ESG, I think all of that
22 is wonderful. I think the thing I am concerned
23 about most, and I think most of the Trustees are,
24 given our fiduciary duty, is just performance. How

1 do we get back to where we were? I am not saying
2 get back to where we were because I don't want to
3 say we are doing anything bad. But our
4 performance, from what I have read, is not
5 consistent with our peers or the index. Whether we
6 haven't rebalanced. Whether we need to rebalance
7 more to value. Rhumblin I thought was a
8 placeholder and now they are kind of like in there
9 almost like a staple. I know we were thinking
10 about going to index there. What can we do to
11 right the ship?

12 MS. SCOTT: Trustee Martin, that is one
13 of the things on our list, to review the structure
14 of the U.S. equity managers to determine whether
15 our allocations to growth and value is appropriate.

16 Brady actually told me yesterday that he
17 has that report ready to show me. I will
18 definitely include you on that conversation as
19 well. We will get a good sense of that.

20 As far as current performance, Brady will
21 cover our quarterly performance more in depth next
22 time. Just looking at the current reporting that
23 is out there, we are underperforming in U.S. equity
24 and international equity. Most of that

1 underperformance you can see is here in our large
2 growth managers. As I mentioned before, large
3 growth has lagged. I know Brady is addressing that
4 with the U.S. equity structure.

5 Then you can see our small growth has
6 also lagged. We have one small mid value manager
7 that is pulling us down as well.

8 We hear you on the performance. We
9 definitely are going to address it.

10 MEMBER MARTIN: My concern is -- I have
11 brought this up. We discussed in the past we had a
12 really massive run with growth. Growth has done
13 well. We historically had a value growth tilt.

14 Now the problem that I see is that in
15 this market environment we were kind of aware that
16 in an environment like this that value would
17 outperform growth. We really haven't addressed
18 that as of yet. I am hoping it is something that
19 we look at and something that we can address in the
20 near future. I would appreciate it. Thank you.

21 MS. SCOTT: Absolutely on the list.
22 Thank you. If no other questions, I think that
23 concludes investments.

24 MEMBER MURPHY: Thank you, very much.

1 CHAIRMAN FORTUNA: Thank you.

2 MEMBER MURPHY: Moving on to operating
3 cash expenditures. Is Jackie available?

4 MS. VLAHOS: Okay. The next section we
5 are going to talk about cash. Basically, through
6 April, if you open up the first section, you're
7 going to see that by as of April 13th we had
8 approximately \$1.51 million in our checking
9 account. We're still anticipating \$4.2 million in
10 contributions. Bringing us to a total of cash of
11 \$155 million.

12 After we pay our April benefit checks and
13 our normal monthly accounts payable, we are going
14 to be left over with a surplus of \$120.6 million as
15 of the end of April.

16 If you go to the next page, you will
17 look at cash flows. Our cash flows as of April
18 13th, like we just discussed, is basically we have
19 our contributions and after our benefit payments we
20 will have approximately \$120.5 million.

21 As you can see, as of 2022, in the first
22 column that says Average Tax Receipts that we have
23 approximately \$170 million in property taxes that
24 is still owed to us by the end of the year.

1 We currently have collected 54 percent of
2 our tax receipts so far for 2022. If everything
3 comes in as projected, we should not have any draw
4 downs for the remainder of 2022 as well as 2023.

5 Is there any questions?

6 If we go on to Administrative Expenses,
7 this is for the informational purposes. This is
8 just our normal monthly expenses. There is nothing
9 out of the ordinary. We have our legal expenses,
10 our monthly expenses, as far as just actuary
11 retainers, our shipping. We have for the Chase
12 credit card for April is \$2,790. If you go to the
13 next page you're going to see a breakdown of what
14 that entails for our April credit card bank
15 statement. Are there any questions?

16 MEMBER MARTIN: None.

17 MS. BURNS: Can I go back for one second
18 on the operating cash? Can you just confirm to the
19 Board that the Fund received all of the City
20 required contributions for 2021? Therefore, there
21 was no need for any kind of intercept filing,
22 correct?

23 MS. VLAHOS: Sure. As Mary Pat had
24 mentioned, we had some discussions about the

1 remaining amount. It was approximately for 2021
2 was owed \$10.6 million to us to close off the year.
3 We did in fact receive that by the end of March so
4 we are good for 2021 so there is no intercept
5 needed.

6 MS. BURNS: Thank you, Jackie.

7 MEMBER MARTIN: I want to say thank you
8 to Comptroller Soni. She said we were to get that
9 money by the end of March and thanks for your solid
10 work on that.

11 MS. VLAHOS: She's been a pleasure to
12 work with for everything that have been owed to us.
13 She's been a big help.

14 The next area is just the investment
15 expenses. We get these from Lorna. These are just
16 kind of off the Northern Trust statement.
17 Obviously, these are per the contract agreement
18 with all the individual managers. But just for
19 your information only purposes, we just kind of
20 review those. As well as Burke, Burns and
21 Pinelli's bill is also included for March, the
22 details, if anyone has any questions or wants to
23 review that.

24 The last section is Part C. We have the

1 year-to-date Budget. So the year-to-date Budget,
2 under Budget, is through the beginning of April.
3 So our current 2022 Budget is \$3.9 million. Where
4 we are at so far, we have approximately 20 percent
5 that we have spent. We are at year-to-date
6 expenditures so far has been for operating expenses
7 \$942,000.

8 This makes sense to be at 24 percent
9 considering that a lot of these are the beginning
10 of April so you're talking about three months of
11 bills. So nothing looks out of the ordinary. Is
12 there any questions?

13 MEMBER MARTIN: No.

14 MEMBER MURPHY: Mr. President, I would
15 like to make a motion to approve the Administrative
16 Expenses as presented.

17 MEMBER MARTIN: Second.

18 CHAIRMAN FORTUNA: There's a motion to
19 approve by Trustee Murphy. Seconded by Trustee
20 Martin.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

1 CHAIRMAN FORTUNA: Trustee Martin

2 MEMBER MARTIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Under 7, we have update
8 on the Intercept, that was covered. So now we're
9 going to be moving on to Legislative.

10 MR. WELLER: For this part of the
11 meeting, I would like to introduce Brandon Phelps.

12 MR. PHELPS: Thank you, very much.
13 Brandon Phelps here with Phelps, Barry and
14 Associates.

15 As you all know, the House and Senate
16 adjourned on April the 9th. Senate adjourned at
17 3:30 in the morning. The House adjourned around
18 6:09 a.m.

19 They got everything out of there. I
20 think they got a balanced Budget. The Governor
21 signed the Budget yesterday. It was \$46 billion.
22 I can send some details on that, if you would like.

23 There are some rumors going around that
24 the House and Senate might come back in the summer

1 before the June primary to try to do some cleanup.
2 I am not sure if that is going to happen.

3 As you know, the primary is June 28th.
4 Then you have the general election. They will
5 probably do veto right after the election around
6 Thanksgiving. Then you have a lame-duck session,
7 which we are going to monitor very closely because
8 a lot of things happen in that lame-duck session.

9 With that, there was a lot of bills that
10 effect you. There were only five main bills that
11 really moved that really effected you as a fund.

12 Senate Bill 2952. Senator VanPelt. As
13 you know, that is the Treasurer designates a City
14 employee to take him or her spot at Pension Board
15 meetings.

16 Senate Bill 3177. Leader Cunningham. It
17 was to cleanup about the Paramedic service credit.

18 Senate Bill 4053. Senator Martwick.
19 That was the one that raises the annuity of 150
20 percent of the poverty line.

21 That was the three main bills. Just to
22 let the Fund know, and all the board members and
23 officers, those were all unanimous. They passed
24 both chambers not with one no vote whatsoever.

1 They were all unanimous.

2 They have not been transmitted to the
3 Governor. We were asking staff to see when that is
4 going to happen.

5 In the House, House Bill 4488, that did
6 not go anywhere because that was the mirror bill of
7 2952 so the Senate decided to run VanPelt's and not
8 DelGado's.

9 Last but not least, House Bill 4435,
10 which is Marcus Evans, that was unanimous as well.
11 As you know that is the MRSA bill that adds to the
12 Occupational Disease Disability Benefit.

13 Like I said, none of this has gone to the
14 Governor. We will let you know when that happens.

15 With that, I will take any questions.

16 MEMBER MARTIN: I think that is all good
17 news. We appreciate all your hard work.

18 I do have a question, though. I don't
19 know if this is appropriate or whether you can get
20 me more information on it. But I do know that in
21 addition to all of those benefit bills, there is a
22 bill in Congress right now to expand the health
23 bill, which is they are going to expand the tax
24 deduction for healthcare expenses from \$3,000 to

1 \$6,000. I think they were also addressing whether
2 the premiums had to be paid by a retirement fund, a
3 qualified retirement plan, as opposed to whether or
4 not individuals can pay them on their own.

5 I don't have all of the parameters of
6 that bill. Is there any way you can get us more
7 information on that and the status on that bill? I
8 would appreciate it.

9 MR. PHELPS: Trustee Martin, we will work
10 on that immediately. We do do some Federal stuff
11 so we will definitely get with our people out there
12 in DC and let you know.

13 TRUSTEE MARTIN: Thank you.

14 MR. WELLER: Brandon, just to close the
15 loop on that, we are members of NCPERS and NCPERS
16 has a pretty good focused effort on lobbying those
17 type of bills. We can reach out to them and also
18 seek some guidance.

19 We did not see any FOIA changes come out
20 of this legislative session, that we are aware of,
21 correct?

22 MR. PHELPS: I have talked to legal and
23 Senate and on legal into the House staffers, staff
24 makes the world go round as we know, and they did

1 not see anything that would pertain to us. They
2 are still monitoring everything.

3 Like I said, some of the bills that may
4 have been out there, they may tweak and may do
5 something during veto or lame-deck, but we are
6 monitoring that closely, Director Weller.

7 MR. WELLER: Perfect. Thank you.

8 MEMBER TEBBENS: This is Rob Tebbens. I
9 do have a question about the refund legislation or
10 bill. I think it was Senate Bill 3177.

11 MR. PHELPS: Yes.

12 MEMBER TEBBENS: We had some issues with
13 that where it was inadvertently changed and there
14 was a group of people who had between 10 and 20
15 years of service that were inadvertently denied a
16 refund based on the language.

17 So it was changed and essentially it was
18 reverted back to what it was prior. But what it
19 didn't do I believe, and I would like to see your
20 thoughts on this and legal counsel as well, we have
21 employees that are not subject to mandatory
22 retirement or an entry age. This was the original
23 reason for the change that was obviously not
24 drafted correctly in the beginning.

1 We can have a member who gets hired at 47
2 years of age as a single role paramedic and if they
3 are 58 years of age with 11 years of service, would
4 they be entitled to a refund?

5 MR. PHELPS: So, Trustee Tebbens, as you
6 know this was a trailer bill to Senate Bill 6030
7 that Leader Cunningham inadvertently left some
8 things out.

9 The way I understand this, yeah, they can
10 do that. And I can check with Leader Cunningham.
11 Actually, I am going to be meeting with him maybe
12 early next week. I can bring that up.

13 If you don't mind, I would like to maybe
14 give you a call, I don't know what the protocol is,
15 but I can touch base with you so I can get those
16 specifics to make sure that I get that to him.

17 MEMBER TEBBENS: I would like to request
18 the Chairman of the Legislative Committee of the
19 Firemen's Annuity and Benefit Fund to call a
20 meeting maybe where we can address a couple of
21 these things and have it done in that kind of
22 forum. I think that is appropriate.

23 MR. PHELPS: Yes.

24 MEMBER TEBBENS: I am part of the

1 Legislative Committee but we have never convened a
2 committee.

3 MR. PHELPS: Trustee Tebbens, we miss you
4 down here. I can meet with Leader Cunningham. I
5 think you may want to join us, if the Board is okay
6 with that. If not, we can do something with you
7 and me and him. You let me know what the protocol
8 is. I want to make sure I do it right.

9 MEMBER TEBBENS: I understand that. I
10 think you should be included in a meeting, if we do
11 convene a committee meeting of our internal
12 Legislative Committee. But I would like legal
13 counsel to weigh in on that under that scenario
14 where we would have a single role medic at 58 years
15 of age with 11 years of service. If they in fact
16 under this change -- under this reverting back to
17 this previous language, if we need to draft a new
18 bill possibly.

19 MR. PHELPS: Trustee Tebbens, I pretty
20 much know the answer to this and I think it is
21 fine, but out of respect to you and the Board and
22 the Fund, I want to make sure I do it right. I
23 would like to get Leader Cunningham involved in
24 that as well.

1 MEMBER TEBBENS: Very good. Our Board is
2 ultimately going to determine that, too, based on
3 our legal counsel. I think that is where we need
4 to start, too. But I would love to have Chairman
5 Fortuna call a Legislative Committee meeting so
6 that we can address a number of these issues and
7 how they impact our membership.

8 MR. PHELPS: Absolutely.

9 MEMBER TEBBENS: Thank you, Brandon. I
10 appreciate all your help.

11 MR. PHELPS: Thank you, Trustee Tebbens.

12 MEMBER MURPHY: Thank you. Moving on, I
13 would like to have Kelly present the Executive
14 Director Report.

15 MR. WELLER: Welcome, everyone, today.
16 It has been a long meeting and a good meeting.

17 I do want to share some news bittersweet
18 Christy Maufas with 32 years commitment to the
19 Board has put in her letter to retire.

20 We are all very, very happy for her but
21 of course we are saddened that we are going to lose
22 such a seasoned person in the office. Our best to
23 Christy.

24 We will be talking a little bit more

1 about that perhaps in the next couple meetings but
2 I did want to make that announcement so we can go
3 ahead and tell staff that Christy is committed to
4 retiring.

5 The other side, the bittersweet news to
6 that, many of you in the room have seen is Jerod
7 Lockhart was hired as our Program Developer to
8 augment Chris Morales' team. It started off with
9 just a great thunderous beginning. We are very,
10 very proud to have him onboard. I think he brings
11 a ton of programming and development resources to
12 us. We're already moving down the road of moving
13 with the next steps on our consulting projects that
14 we had on deck during Budget.

15 Look for some of those to begin
16 percolating through the next couple of meetings.
17 We are having meetings this week and next week to
18 make that happen.

19 I was sent an email this morning from a
20 couple of folks about the Statement of Economic
21 Interest. Those are due by May 1st so get on line,
22 get those filled out. They are required by the
23 eight Trustees as well as myself. Some of you have
24 completed them, that is great. But I want to make

1 sure that you recognize the May 2nd deadline to
2 have those completed.

3 I am happy to discuss it. I am not an
4 expert on it. Perhaps, with legal and myself, if
5 you do have questions, we can make sure we get you
6 filed correctly and timely.

7 Jackie didn't mention it but I will
8 mention it, we are 98.9 percent through the
9 transition with J.P. Morgan into the banking world,
10 that has been quite a laborious effort to dissect
11 ourselves from the City accounts. It is going to
12 be well worth it. I am glad we did it but it's
13 been a long journey. We are finalizing the
14 training. I just got a notice for April 25th so I
15 believe by next board meeting we should be 100
16 percent transitioned over. Kudos to Jackie, John
17 and their team there.

18 In the meantime, they are working with
19 our auditors. The first thing that is in BoardPac
20 this meeting is a letter from the engagement
21 partner, which is something new. A new standard
22 that happened in 2021.

23 I don't think there is anything there
24 that should give people pause but it is something

1 that the auditor wanted you to be aware of.

2 What they are now required to do is to
3 point out some flaws that they see inside of the
4 audit and identify those risks and tell you that
5 they are going to spend extra effort on them.

6 I encourage that. I think it is great.
7 There is a risk in our audit and we want to be
8 aware of it so please read that, that's part of the
9 engagement letter process. I want to be on record
10 that we have provided it to the Board to review.

11 Actuarial work has started. Segal is
12 quite a ways in. I expect no delays from the
13 reports they have given me so far in terms of
14 timing so both audit and actuary at this point are
15 progressing as we anticipated they would progress
16 so nothing to report there.

17 We have went out to Guaranteed Rate
18 Field. Both President Fortuna and I have
19 tentatively requested a date for a September
20 retirement meeting that we would like to get on
21 deck. It happens to be a night game date so there
22 is a little bit of logistics we need to work out to
23 make it happen.

24 I anticipate we will have a contract from

1 them to execute by the next meeting and we can
2 formalize the agenda in that retirement seminar. I
3 know members have been asking about it.

4 CHAIRMAN FORTUNA: We will have that in
5 place.

6 MR. WELLER: The last thing is the Me Too
7 Retro. We're still trying to get that corrected
8 because of errors in the payroll system.
9 Contributions have not been paid yet, therefore the
10 programming has not been completed.

11 Chris, is there anything else that I need
12 to say about that? That is about where we stand.

13 MR. MORALES: Yes, that is about where we
14 stand.

15 MR. WELLER: With that, I want to be
16 communicative. The President has strongly
17 encouraged us to have in-place meeting for the May
18 18th meeting that is coming up.

19 I know it's going to be a change after
20 two years and three months to have to go back to
21 in-person.

22 We are looking at the best possible way
23 to provide the most efficient meeting, but the
24 President is very emphatic and I think the Board of

1 Trustees has been supportive of having all of us
2 back. So look for that May 18th, unless there's
3 just an extraordinary change in the virus uptick,
4 but our plan is to be live here in-person May 18th.

5 That concludes my report.

6 CHAIRMAN FORTUNA: Thank you.

7 MEMBER MURPHY: Thank you.

8 MEMBER MARTIN: Kelly, a couple of
9 questions.

10 MR. WELLER: Okay.

11 MEMBER MARTIN: Just two real quick
12 items. I would like to have a commitment on the
13 part of Segal with respect -- I know you have done
14 a lot of work and you have gotten out these
15 purchase for the guys from downstate and purchase
16 for the military.

17 I would like at some point in time in the
18 future, it doesn't have to be immediate, from
19 Segal, as far as how long it will take like either
20 a policy or a commitment that they would get those
21 back to us like in four weeks or six weeks so we
22 have like a definitive timeline for people moving
23 forward. I wanted to make that point.

24 Secondly, I wanted to thank you. I

1 wanted to thank Sarah. I wanted to thank -- I
2 don't know if everybody knows, but we were
3 contacted by the attorney for Carol Smith and
4 former Chief John Smith and he's making a donation
5 or he is committed to making a donation via their
6 Will of \$100,000 for the educational expenses of
7 our most needy children. I think it is truly
8 magnanimous.

9 I want to thank Sarah for all her work
10 and you and John and Mary Pat and hopefully we can
11 get this realized in the near future.

12 MR. WELLER: Your words are welcomed and
13 thank you very much. We do truly appreciate the
14 gift that was bestowed upon the EMWQ charity.
15 Thank you for pointing that out to us, Trustee
16 Martin.

17 With that, Secretary Murphy, my report is
18 closed.

19 MEMBER MURPHY: Thank you.

20 Next is Legal Update, counsel.

21 MS. BURNS: Just a few things, sir.

22 First, on the agenda is consideration and possible
23 action regarding Member 13150.

24 In the Board's material, I believe under

1 BoardPaq 10-B, the Executive Director and staff
2 provided you with a list of outreach efforts to
3 this Member. This Member is currently on
4 disability.

5 As you know, under Section 6-153 of the
6 Illinois Pension Code, "A disabled fireman who is
7 receiving a Duty, Occupational Disease or Ordinary
8 Disability benefit shall be examined at least once
9 a year or such longer period as determined by the
10 Board".

11 Pursuant to that statutory direction, the
12 Board requested that this Member undergo a physical
13 exam to prove that he remained disabled.

14 In front of you in the material put
15 together by the Executive Director is a listing of
16 communications from the Fund to this Member over a
17 six month period in which the member failed to be
18 responsive to the Fund's outreach requests.

19 I remind you that this Member is a Member
20 who showed up at the last Board Member during
21 public comment and he did address the Board and
22 asked the Board last month not to take action on
23 his matter in order to allow him to be able to
24 comply with the Board and the Pension Code's

1 requirement.

2 An additional month has now gone by.
3 During that month, from the March board meeting
4 date, I believe there were three or four or maybe
5 even five contacts or attempted contacts by staff
6 to the Member. He has yet to comply with the
7 requirement under Section 6-153 of the Code.

8 Based on that history, it would be our
9 legal recommendation that this Member's benefits be
10 suspended pending his compliance with the Fund's
11 requirements.

12 What that means is that if the Board
13 agrees to that action, and that motion passes, the
14 Member will be notified of the Board's action and
15 then if the member complies the Fund staff and the
16 Executive Director can immediately release the
17 money that is being held.

18 We can certainly update you next month as
19 to whether we have been successful in getting the
20 Member's attention.

21 MEMBER MARTIN: Mr. President, I would
22 like to make that motion.

23 MS. BURNS: The motion would be to
24 suspend the disability payment for Member 13150

1 until said Member complies with the Fund's
2 requirements regarding the Section 6-153 of the
3 Code.

4 CHAIRMAN FORTUNA: Do I have a second?

5 MEMBER TEBBENS: I will second it.

6 CHAIRMAN FORTUNA: We have a motion by
7 Trustee Martin. Seconded by Trustee Tebbens.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: I am a yes.

17 Motion carries.

18 MS. BURNS: Next, sir, Item C on our
19 agenda. There have been two cases filed against
20 the Fund in the last month. We would seek a motion
21 appointing Burke, Burns and Pinelli to represent
22 the Fund in both those matters.

23 The first matter involves a Federal
24 District Court litigation initiated by Lee Ann

1 McKay. Ms. McKay alleges discrimination,
2 harassment and various actions against the City of
3 Chicago as her employer. However, in the complaint
4 she mentioned all of the board members by name as
5 well as the Pension Fund.

6 She does not request any recovery or
7 assert any allegations against the Fund so I think
8 it will probably be an easy task to have us either
9 dismissed from the complaint or have Ms. McKay file
10 an amended complaint that seeks some recovery
11 against the Fund. Right now we are just named as
12 defendants but no action is sought against us. So
13 we need counsel appointed to represent the Fund in
14 that matter.

15 The second matter is the Doyle matter
16 involving the issue of abatement. This might give
17 us a chance to get further clarity on whether or
18 not a Member's rights abate upon their death or
19 whether their heirs or children can continue to
20 recover benefits that previously the Member may
21 have been entitled to receive but which never
22 actually legally vested.

23 Those are the two matters. So the
24 motion, sir, would be to appoint Burke, Burns and

1 Pinelli in those matters to represent you.

2 MEMBER MURPHY: Mr. President, I'd like
3 to make a motion to appoint Burke, Burns and
4 Pinelli to represent the Fund in these matters.

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

7 MEMBER MARTIN: Second.

8 CHAIRMAN FORTUNA: Seconded by Trustee
9 Martin.

10 MEMBER TEBBENS: I have a question. Is
11 that on BoardPaq somewhere? Can I find that
12 document or what you were referencing?

13 MS. BURNS: They are not in BoardPaq. We
14 can certainly send them to you because you have
15 been named obviously in the one action. So we will
16 definitely make sure all Trustees will get those
17 and that will be a practice going forward to ensure
18 that such complaints are sent to you.

19 MEMBER TEBBENS: Very good. Thank you.

20 CHAIRMAN FORTUNA: There's a motion and a
21 second. Any more discussion? Hearing none.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee Martin

3 MEMBER MARTIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: I am a yes.

7 Motion carries.

8 MS. BURNS: The last issue, sir, which is
9 under Item F on our legal agenda, is really
10 consideration and adoption of implementation
11 practices relating to Section 6-151 of the Illinois
12 Pension Code.

13 You will recall this is a relatively new
14 legislative enactment, that allows members who have
15 retired to come back as Occupational Disease
16 recipients. It is the Member's election.

17 In order to deal with this new
18 legislation, the Executive Director, working with
19 staff and with legal counsel, has developed some
20 practices and implementation procedures, which he
21 can summarize for you. But at the end of his
22 discussion, it would be our recommendation that a
23 formal motion be adopted to allow the Board or the
24 Fund to handle these matters relating to Section

1 6-151 consistent with Board direction.

2 Kelly, if you want to walk the members
3 through your implementation suggestions.

4 MR. WELLER: This is in BoardPaq Item
5 10-D, which would be implementation of a Public Act
6 that was passed back in July of last year. We had
7 anticipated perhaps there would be some language
8 that would amend it in some way or another.

9 MS. BURNS: We still may go back and try
10 to fix some of this for the Member. As it is
11 currently drafted, in our opinion, based on
12 positions the City has taken, I am not sure this
13 legislation accomplishes the goal that was expected
14 by the legislature when it was passed.

15 MR. WELLER: Basically, this is an
16 acknowledgment form, that we are going to walk
17 through, for any applicant who wants to consider
18 this benefit starting with just the parameters of
19 the law, which is basically defining what we are
20 going to create here in the system, which is
21 Occupational Disability while retired.

22 It would require a new class of
23 individuals inside of our benefits administration
24 system piece.

1 Basically identifying these folks has
2 been retired for some periods of years, but then
3 coming back and petitioning due to disability in
4 cancer or heart disease.

5 Those particular provisions follow
6 exactly the same requirements that effect the
7 active member participants. Same language. There
8 was no diminishment or change in the way we are to
9 apply those particular hurdles.

10 Five years is the limit after they have
11 been retired. Compulsory retirement. Can't be any
12 later than that. Obviously, there is some Members
13 that don't subscribe or have to subscribe to a
14 compulsory retirement. Those Members would be
15 allowed more flexibility under this benefit.

16 Much like in any Occupational Disease,
17 the burden of proof lies with the Member in making
18 this claim. Which is going to require in our minds
19 quite a bit more paperwork because it is going to
20 be coming from perhaps several different places
21 since the Member could have been retired for
22 awhile.

23 We are looking to the Member to make sure
24 that they are coordinating and streamlining the

1 information that is going to be necessary to get
2 this benefit in front of the Board.

3 They are all going to have to let us, as
4 you would normally do, allow the CFD to transfer
5 any records that they may have to your employment
6 as well as to your medical history.

7 Once we get all of that in place, we
8 envision that the hearing process will be virtually
9 the same. It will be on the agenda with a
10 different classification but the hearing process
11 will be the same. We think that your positions are
12 going to maybe modify or have to review some of the
13 questions that need to be asked to make sure that
14 the qualifiers are in place. But it is basically
15 in our mind going to follow the same hearing
16 process in front of this Board.

17 The benefits will be the first day of the
18 month following the Board decision. This is a
19 little different. There is a reason why we are
20 doing that. I don't want to go into a lot of depth
21 here.

22 We think it is the best way to do this.
23 Once the Member applies for the benefit, is granted
24 the benefit, they are effectively switching from

1 Retirement to Occupational Disease. That process
2 then can be immortalized at the meeting after that
3 hearing takes place. So that way we are not
4 jeopardizing the person's retirement check while we
5 are making this particular determination.

6 The amount will be based on the 65
7 percent of the applicant's salary on the last day
8 they were a Member of the Chicago Fire Department
9 so the term there is eight a.m. The last day that
10 they were under the Fire Department compensation
11 for this benefit will be based on 65 percent of
12 that last day's pay.

13 QILDRO and alternate payees will remain
14 in place. So anything that would be currently
15 under QILDRO would not be subject to a change,
16 based on this change in classification.

17 Health insurance. Again, we, as a board,
18 do not want to weigh in on the City's authority
19 over the health insurance and who qualifies and who
20 doesn't and whatnot.

21 What we are going to do is we are going
22 to continue to withhold the health insurance as if
23 this Member were retired and to keep them for our
24 particular purposes in the retirement pool for

1 health insurance. If there is pushback from either
2 the Member or the City on that, we can review it.
3 But from where we stand right now, we're going to
4 be this Member in this particular situation for
5 healthcare as retired and continue those payments
6 as a retiree.

7 We have asked professionals for an
8 opinion on this but as it stands right now we
9 believe the safest way for the plan and the Member
10 is to view these benefits as taxable. Therefore,
11 we're going to send the appropriate tax forms that
12 these are taxable amounts and we are going to
13 withhold accordingly.

14 The Member will be much like what we are
15 seeing today on disabilities. The Member will also
16 be expected to continue medical reexams to maintain
17 the benefit through the period they are eligible.

18 When you turn 63, the way we envision
19 this is, you are going to automatically then
20 convert back to your normal retirement. What will
21 happen is the cost of living raises that would have
22 been applicable to you while in this Occupational
23 retired status will then be paid to you as a
24 percentage on that check. There won't be any retro

1 amounts paid to these individuals but they won't
2 suffer any loss in the COLA area in terms of the
3 calculation or their benefit going forward.

4 That same application would apply,
5 unfortunately, if the Member should happen to pass
6 while in receipt of that pension.

7 There is several other minor procedures
8 here. I don't need to spend a lot of time with the
9 Board. I think what the staff wants to convey with
10 the Board is that we have taken a conservative
11 approach here because the language just didn't give
12 us a lot of latitude to view this in any other way.

13 We anticipate perhaps there will be
14 changes in the future. If there are, that is
15 great. If not, we are prepared to move on and
16 apply this benefit to those who want to apply. We
17 believe we can have these applications as early as
18 May should there be Members that wish to
19 investigate this.

20 We are going to post this on the internet
21 and by signing this acknowledge, which essentially
22 is a disclosure, they are recognizing the way we
23 are doing this benefit and will accept the
24 calculation accordingly.

1 So, Mr. Chairman, I will defer back to
2 our legal counsel's advice, which is a
3 recommendation to implement as we have described.

4 MEMBER TEBBENS: I have a couple of
5 questions. This just seems like a real mess here.
6 I don't know. If someone is retired, it is going
7 to be -- am I getting this correct, is there a six
8 month diagnosis period before they can apply or can
9 they apply upon diagnosis?

10 MR. WELLER: We are not envisioning for
11 our process a layup or a wait period that would
12 limit this individual from seeking this type of
13 benefit.

14 MS. BURNS: They just can't be retired,
15 Trustee Tebbens, for more than five years.

16 MEMBER TEBBENS: According to the law. I
17 get that. But so someone who is retired that is
18 eligible under the law would then upon diagnosis
19 they would be able to apply for this benefit?

20 MS. BURNS: Right.

21 MEMBER TEBBENS: I noticed that there is
22 records at the applicant's own expense also, is
23 that right? Medical records.

24 MS. BURNS: Only their personal medical

1 records. We will get the records from the CFD just
2 like we do now.

3 MEMBER TEBBENS: Okay. I just caught
4 that. So the annuity that is paid in the interim,
5 as if the person was Minimal Formula Annuity, is
6 that reconciled in any way? How do we do that on
7 the board end of it?

8 MR. WELLER: Our arrival at this, and I
9 think I touched on it slightly with the payment at
10 the end of the month, we want to make sure that
11 this person continues to receive the retirement
12 annuity that they are entitled to, correct. So
13 that retirement annuity is going to run all the way
14 up until there is a hearing. At which time the
15 hearing will make a determination whether there is
16 a change in the status of this benefit from retired
17 to occupationally disabled while retired. Should
18 the hearing recognize the Occupational while
19 disabled classification, then the next pay coming
20 out of that period will be calculated at the new
21 amount.

22 Essentially all you are doing is keeping
23 this Member retired through this process until the
24 process is adjudicated. And then the next check

1 that would follow would be classified differently.

2 MS. BURNS: Trustee Tebbens, that is
3 consistent with the statute that says that the
4 first Occupational Disease disability payment shall
5 be made not later than one month after the benefit
6 is granted. So, we are just moving that up to the
7 first day of the month following the date the
8 benefit is granted.

9 So today if you had decided one of these
10 applications, on April 20th, the individual would
11 receive the Occupational benefit starting on May
12 1st.

13 MEMBER TEBBENS: Okay. So the date for
14 salary calculation for Minimum Formula Annuity will
15 change then, correct?

16 MR. WELLER: No.

17 MS. BURNS: No because they have been
18 retired. But I think your question is -- forgive
19 me if I am misunderstanding.

20 MEMBER TEBBENS: Let me provide some
21 clarity. Take them to 63. So this person within
22 the time frame of the law is awarded an Ordinary
23 Disability at 65 percent. They maintain that until
24 age 63. At age 63 what occurs? Do they get the

1 salary recalculation as if they were in the
2 disability or do they then continue based on the
3 calculation at the time when they originally
4 retired?

5 MS. BURNS: Yes, sir. At the time they
6 originally retired, as that amount may have been
7 increased by the 3 percent annual increase if they
8 are entitled to it.

9 MEMBER TEBBENS: So you are going to run
10 a parallel track of that while they are going
11 through this disability? In the event that they
12 recovered and wanted to return to retirement
13 status, they could do that as well?

14 MS. BURNS: Yes, sir.

15 MEMBER TEBBENS: QILDRO also, obviously,
16 that is a main sticking point there. You're going
17 to have a Member who is receiving a benefit that
18 would typically be an active benefit that would not
19 be subject to any kind of a QILDRO and you feel
20 that under the law this will be all buttoned up and
21 taken care of?

22 MS. BURNS: Unfortunately, because those
23 are final judgments, they have been entered and
24 more than 35 days has passed, so there is no way

1 that a firefighter can impact or negatively effect
2 a vested benefit to a third-party like that. There
3 are all kinds of case law on that. So the QILDROs
4 have to be honored even though the person is going
5 to be on Occupational.

6 MEMBER TEBBENS: Because it is already an
7 order of the court. I understand that.

8 And then health insurance, you are saying
9 no then. A person that would be otherwise
10 responsible or eligible for an Occupational cancer
11 would not have that health insurance?

12 MS. BURNS: That is really a City
13 decision, not a Fund decision. So all we can do is
14 say if the City doesn't give you health insurance,
15 you can stay on the retiree health insurance and we
16 will figure out a way to do that.

17 MR. WELLER: Our goal was to do no harm,
18 Trustee Tebbens. If someone wants to take this
19 road, we felt the worse thing we could potentially
20 do to them given the nature of the disease they are
21 applying for was to anyway compromise their chain
22 of consistency with insurance. Our goal here was
23 to maintain what I would call coverage with no gaps
24 or anything.

1 MEMBER TEBBENS: Understood. It is
2 obviously a well intentioned bill but as we can all
3 see here the implementation of it is very difficult
4 and very questionable.

5 The taxability of the income who
6 determines that? Is that an IRS rule?

7 MS. BURNS: Right. This is such a weird
8 kind of situation so what we did was we followed
9 what they do at the downstate pension funds who
10 have this benefit already and this is how they
11 treat it. Somebody may want to get a private
12 letter ruling from the IRS but it is really not the
13 Fund's responsibility.

14 MR. WELLER: We have engaged our tax
15 professionals to give us opinions on this and the
16 least harm we could do to someone is to claim it is
17 taxable. If for whatever reason down the road an
18 individual wins on this particular issue and gets
19 the IRS to say it is tax exempt, then that is
20 wonderful. Which is much better than the other way
21 with the IRS back trying to crawl back. We think
22 this is the best approach to protect out members.

23 MS. BURNS: It is consistent with what
24 other public pension funds do. From a prudence

1 standpoint, from your liability and trustees
2 liability, we are following what others do.

3 Excuse me, I do note for the record that
4 we have lost our quorum. Trustee Martin has
5 dropped off the call. Therefore, I believe we only
6 have four trustees.

7 So I don't want to cut you off, Trustee
8 Tebbens. We are not going to be able to take a
9 motion on this issue.

10 If you'd like, Mr. President, under
11 Robert's Rules and rules of governance, we should
12 now adjourn the meeting but we certainly don't want
13 to cut off this discussion. We can either put it
14 back on the agenda for next month or you can
15 address it at a legislative meeting that Trustee
16 Tebbens earlier suggested. We will continue to
17 answer questions but it is prudent to adjourn the
18 meeting and answer any questions you have, if you
19 want to continue talking.

20 MEMBER TEBBENS: I think it would be
21 appropriate. I think there are a number of things
22 that I think we could cover at a Legislative
23 Committee meeting. So I would love to have one and
24 this would be appropriate there as well. We could

1 spend more time on it.

2 MS. BURNS: Thank you, Trustee Tebbens.

3 CHAIRMAN FORTUNA: Unfortunately, I have
4 lost a quorum so this meeting is adjourned.

5 MS. BURNS: It adjourns for lack of a
6 quorum. The time is 11:45.

7

8 (WHICH WERE ALL THE PROCEEDINGS

9 IN THE ABOVE-ENTITLED MEETING

10 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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