



## SUMMARY TO THE REGULAR ADVISORY COMMITTEE MEETING

Wednesday, May 13, 2020

9:04 A.M. – 10:43 A.M.

City of Jacksonville Police and Fire Pension Fund  
1 West Adams Street Suite 100, Jacksonville, FL 32202  
**WEBEX ROOM 5**

The next Advisory Committee meeting will be held June 10, 2020 at 9:00 A.M.

### Advisory Committee Members

James Holderfield, Chair  
Lt. Michael Shell, Vice Chair  
Thomas Lumpkin  
Michael Pelletier  
Asst. Chief Richard Reichard  
Cpt. Christopher Stover

### Excused

Lt. Jean Paravisini  
Jason Weathington, JSO

### Staff

Timothy H. Johnson, Executive Director – Plan Administrator  
Steve Lundy, Deputy Director  
Chuck Hayes, Pension Benefits Manager  
Sonya Harrell, Office of General Counsel  
Lawsikia Hodges, Office of General Counsel  
Bob Sugarman, Fund Counsel

### Guests

Tad Delegal, Attorney  
Jennifer Alligood, Court Reporter  
Randy Wyse, JFRD, President IAFF Local 122

### Notice

Meeting Agendas and Summaries are available on our website at [jaxpfpf.coj.net](http://jaxpfpf.coj.net). For additional meeting documents, please contact Maria Young, Custodian of Public Records for the City of Jacksonville Police and Fire Pension Fund at 904-255-7373 or [MariaY@coj.net](mailto:MariaY@coj.net) to file a public records request.

Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days notification to process; last minute requests will be accepted, but may not be possible to fulfill. Please contact Disabled Services Division at: V(904) 630-4940, TTY-(904) 630-4933, or email your request to [KLMcDan@coj.net](mailto:KLMcDan@coj.net). If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based. The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. Additional items may be added / changed prior to meeting.

### Summary

Chair James Holderfield convened the meeting at 9:04 A.M., took attendance of the members present on the Webex call, read instructions for public comment, and said that voting would be taken by roll call.

Tad Delegal said that Jason Weathington is not feeling well and would not be able to attend today's meeting.

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- I. Moment of Silence  
James Harley Johnson, Retired Police Officer  
Kenneth M. Lee, Retired Fire Captain  
William Logan, Retired Police Sergeant

- II. Public Speaking  
No public comment requested.

- III. Consent Agenda – APPROVED

Thomas Lumpkin made a motion to approve items a-e and to receive items f-i as information. Seconded by Michael Shell. The vote passed unanimously.

*a. Meeting Summaries to be Approved*

- 1. Summary to the Regular Advisory Committee Meeting of Wednesday, April 8, 2019

*b. Application for Time Service Retirement*

- 1. LEVY, Daniel H., Police Officer  
Monthly pension base \$3,659.03  
Retirement Date 04/16/2020

*c. Application for Survivor Benefits*

- 1. JOHNSON, Bernice H.  
Widow of James H. Johnson (d. 03/24/2020)  
Monthly gross pension \$4,808.17
- 2. LEE, Button  
Widow of Kenneth M. Lee (d. 04/07/2020)  
Monthly gross pension \$7,509.00
- 3. LOGAN, Anna L.  
Widow of William M. Logan (d. 03/25/2020)  
Monthly gross pension \$7,319.05

*d. Application for Vested Retirement*

- 2. KUNSBURG, Aaron P.  
Monthly gross pension \$784.83  
Vesting Date 04/07/2020  
Benefit Commencement Date 01/12/2035

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*e. Application for Time Service Connections*

1. DASH, Frederick R., Police Lieutenant		
Prior Military Service		U.S. Navy
7 days		\$471.65
2. HURLEY, Daniel R., Police Officer		
Prior Military Service		U.S. Army
2 months, 20 days		\$3,145.61
3. KREMLER, Brian K., Police Recruit		
Prior Florida Service		Tampa Police Department
4 years, 1 month, 2 days		\$35,965.87

*f. Share Plan Distributions*

BRADDOCK, Michael S., Fire Battalion Chief	\$5,738.10
CREWS, Randall L., Police Sergeant	\$5,738.10
JONES, Terrance A., Fire District Chief	\$5,738.10
VIRTUE, Michael E., Fire Lieutenant	\$5,738.10

*g. DROP Participant Termination of Employment*

1. ALLEN, Michael, Fire Battalion Chief		
Monthly pension base		\$4,861.11
DROP Participation		04/11/2015 – 04/03/2020
2. BYRNE, James F., Police Officer		
Monthly pension base		\$3,265.32
DROP Participation		04/11/2015 – 04/03/2020
3. CUNNINGHAM, Michael B., Firefighter		
Monthly pension base		\$2,690.17
DROP Participation		04/11/2015 – 04/03/2020
4. IVEY, Christopher L., Firefighter Engineer		
Monthly pension base		\$3,252.98
DROP Participation		04/11/2015 – 04/03/2020
5. LEWIS, Penni K., Police Sergeant		
Monthly pension base		\$3,660.44
DROP Participation		04/11/2015 – 04/03/2020
6. MEDLIN, Sandra J., Police Officer		
Monthly pension base		\$3,161.18
DROP Participation		04/11/2015 – 04/03/2020
7. RHODES, Troy A., Police Sergeant		
Monthly pension base		\$3,792.55
DROP Participation		04/11/2015 – 04/03/2020

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8. ROUNDS, David B., Fire Battalion Chief	
Monthly pension base	\$5,352.91
DROP Participation	04/11/2015 – 04/03/2020
9. SALAZAR, Michael J., Firefighter Engineer	
Monthly pension base	\$3,664.48
DROP Participation	04/11/2015 – 04/03/2020
10. SULLIVAN, Christopher A., Police Officer	
Monthly pension base	\$3,138.88
DROP Participation	04/11/2015 – 04/03/2020
11. WATTS, William B., Fire Lieutenant	
Monthly pension base	\$3,580.82
DROP Participation	04/11/2015 – 04/03/2020
12. YOUNGBLOOD, Glenn A., Police Officer	
Monthly pension base	\$3,169.17
DROP Participation	04/11/2015 – 04/03/2020

*h. DROP Distributions*

1. ALLEN, Michael	
Partial Lump Sum Payment	\$100,000.00
Remaining value paid over 25 years	\$282,129.41
2. BYRNE, James F.	
Entire value paid over 34.9 years	\$255,335.00
3. CUNNINGHAM, Michael B.	
Partial Lump Sum Payment	\$135,473.54
Remaining value paid over 15 years	\$76,000.00
4. IVEY, Christopher L.	
Entire value paid over 18 years	\$255,712.91
5. LEWIS, Penni K.	
Entire value paid over 35 years	\$287,743.09
6. MEDLIN, Sandra J.	
Entire value paid over 44.6 years	\$248,498.68
7. RHODES, Troy A.	
Entire value paid over 47.5 years	\$298,129.92
8. ROUNDS, David B.	
Entire value paid over 42 years	\$420,788.07
9. SALAZAR, Michael J.	
Partial Lump Sum Payment	\$25,000.00
Remaining value paid over 25 years	\$263,062.41
10. SULLIVAN, Christopher A.	
Entire value paid over 50.5 years	\$246,746.50

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11. WATTS, William B.	
Entire value paid over 48.8 years	\$281,486.47
12. YOUNGBLOOD, Glenn A.	
Entire value paid over 43.6 years	\$249,125.56

*i. DROP Distributions for Survivors*

1. LEE, Button	
Entire value paid over 25 years	\$208,787.40
2. LOGAN, Anna L.	
Entire value paid over 9.2 years	\$170,801.06

IV. Executive Director's Report

*a. Children's Retroactive Lump Sum Benefit Recommendation*

Timothy Johnson described the Children's Retroactive Lump Sum Benefit Recommendation. Last month, the Advisory Committee approved the corrected prospective benefit calculations for children currently receiving children's benefits. There are two more layers of corrections to be approved. Today, retroactive corrections to children currently receiving benefits are on the agenda. All calculations were made by Steve Lundy. Fund Actuary, Pete Strong reviewed and approved those calculations. There is one more layer of corrections to come on next month's agenda, which will be retroactive corrections to children who are no longer receiving benefits due to their age.

Steve Lundy explained the spreadsheet, showing calculations of retroactive totals due to underpaid children who should have received the 'proportionate share' of the survivor's benefit, in cases when the original member had no surviving spouse. Due to the 'proportionate share' being calculated among siblings, two children have been added to the spreadsheet who are not currently being paid, because they are siblings of a child currently being paid. They had to be calculated in order for the current child to be calculated.

Thomas Lumpkin asked at what age children become ineligible for benefits.

Steve Lundy said they age out of the 'proportionate share' at age 18.

Michael Shell asked for a ballpark estimate for the remaining children to be paid next month.

Steve Lundy said he estimates it would be less than today's total. 12 children are on today's agenda, and 7 remain for next month.

**Richard Reichard made a motion to approve the Children's Retroactive Lump Sum Benefit Recommendation. Seconded by Michael Pelletier. The vote passed unanimously.**

V. Counsel Reports

*a. Recommendation to initiate forfeiture against JSO Deputy Jason Mann following his plea to a crime of theft from his employer*

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Bob Sugarman described the ‘no contest’ plea by Jason Mann, which is the same as a guilty conviction under Florida Statute. This is a forfeitable offense. This was a theft of the employer.

Thomas Lumpkin asked if this crime was committed as a favor for someone (a theft of intellectual property or otherwise).

Bob Sugarman said that during a search warrant, Jason Mann took a \$100 bill from the crime scene, which was supposed to be evidence.

**Michael Shell made a motion to recommend beginning forfeiture proceedings against Jason Mann. Seconded by Michael Pelletier. The vote passed unanimously.**

*b. OPINION - Forfeiture of Pension Benefits Not Warranted For Resigned Member Even if Member Admitted Commission of a Specified Offense*

Bob Sugarman discussed the opinion of ‘Forfeiture of Pension Benefits Not Warranted For Resigned Member Even if Member Admitted Commission of a Specified Offense’. If a member admits to a specified offense, and is subsequently terminated because of that admission, the pension is forfeitable. If a member admits to a specified offense, and resigns, but is not terminated, and there are no criminal charges, the pension is not forfeitable. If a member admits to a specified offense, resigns, but is later convicted, then the pension is forfeitable.

*c. Forfeiture Procedures*

Bob Sugarman said he would like the Advisory Committee to review and comment on the Forfeiture Procedures if they wished.

Lawsikia Hodges said that the Advisory Committee does not need to approve these procedures – that is the Board of Trustees’ domain.

James Holderfield asked for the procedures to be recorded as ‘received as information’ by the Advisory Committee on the meeting minutes. The Advisory Committee works at the leisure of the Board of Trustees. The Advisory Committee appreciates the effort on concise procedures.

*d. Notice of Proposed Agency Action – Michael Rounsville*

James Holderfield said the notice of proposed agency action for Michael Rounsville is received as information.

James Holderfield recessed the meeting for ten minutes at 9:43 A.M.

James Holderfield resumed the meeting at 9:53 A.M.

VI. New Business

VII. Old Business

*a. Application for Disability Retirement*

1. WEATHINGTON, Jason L., Police Officer

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Bob Sugarman gave a brief overview of the status of Jason Weathington's Disability Application. He applied for the disability pension already – the record was sent to the Board of Trustees, and the Trustees sent it back to the Advisory Committee for more information. They sent it back because Jason Weathington sent additional information from his doctor. The Board of Trustees asked the Advisory Committee to consider the previous application in light of this new information. Our suggestion is for Tad Delegal, Mr. Weathington's attorney, to present this new information. Sonya Harrell from OGC will present the other side. The Advisory Committee should entertain a motion to grant, deny, or table the application. This hearing is not a 'do-over' – this is picking up where we left off with new information.

James Holderfield asked if the Advisory Committee had received the letter from Tad Delegal in an email forwarded by Steve Lundy. He asked if the Committee had read and reviewed the letter.

The Advisory Committee Members indicated they had all read the letter.

Tad Delegal began his discussion – his argument is that his client, Jason Weathington, has shown through the documents that there is no dispute that he is disabled. His disability prevents him from performing the regular duties of a police officer. The condition causing his disability will not improve. The only issue is whether or not JSO can accommodate this disability. He argued that JSO's accommodations are not adequate – JSO would require Jason Weathington to use significant amounts of annual leave, which turns him into a part-time employee.

Tad Delegal argued that Bob Sugarman's suggestion to refer this issue to an EEO agency is not applicable. He discussed various statutory and ordinance provisions to argue that there is no jurisdiction to permit deferral.

There were no questions from the Advisory Committee.

Sonya Harrell presented her opposing argument – she argued that Jason Weathington's application was premature. Jason Weathington has a lot of unused leave. Also, Jason Weathington and JSO have gone back and forth on accommodations.

Sonya Harrell argued that Jason Weathington is not availing himself to other remedies. If he feels that JSO's accommodations are unreasonable, he should file a complaint with the JHRC, not with the Advisory Committee. She argued that Jason Weathington is 'jumping the gun', and has left the Advisory Committee with the issue to determine if JSO's accommodations are reasonable. This is not the Advisory Committee's decision.

Sonya Harrell said there is no new evidence showing that he cannot work with JSO's accommodations. She recommended having another agency make this determination – the Advisory Committee should not grant a disability pension until Jason Weathington exhausts his steps.

Tad Delegal said that the PFPF's Medical Director stated that Jason Weathington is disabled. The only issue is if Jason Weathington's doctors believe he can be reasonably accommodated. The documents say no. We have done everything required, he should be entitled to a disability pension. He will eventually exhaust his leave.

Sonya Harrell argued that Jason Weathington has not exhausted his remedies, and his leave will not be depleted any time soon.

James Holderfield asked if there were any questions.

There were none.

James Holderfield asked if there was a motion.

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Michael Pelletier made a motion to deny Jason Weathington's Application for Disability Pension. Seconded by Richard Reichard. Discussion:

James Holderfield said this is based on information provided, and the incomplete determination of reasonableness of accommodations.

Michael Pelletier agreed.

Michael Shell said that in a future disability application filed by Jason Weathington, he would like to see the confirmation of how Mr. Weathington used the accommodations provided by JSO.

James Holderfield said that he would like to see if the PFPF's Medical Director has discussions with the member's doctors regarding reasonableness of accommodations in the future. Also, temporary disability was not discussed – members need to be aware of every option.

Richard Reichard said that a disability pension is a last resort.

The vote passed unanimously.

Bob Sugarman said that this recommendation will go to the Board of Trustees. Tad Delegal and Jason Weathington will have an opportunity to speak to them on May 22<sup>nd</sup>.

James Holderfield thanked everyone for their patience, and he thanked the PFPF Staff for their hard work.

VIII. Adjournment  
10:43 A.M.

IX. Summary Approved:

James Holderfield, Chair  
Advisory Committee

**Summary Prepared By:**  
Steve Lundy, Deputy Director  
City of Jacksonville Police and Fire Pension Fund

**Posted:** 05/19/2020  
**To be Approved:** 06/10/2020