

**CITY OF PHOENIX  
POLICE PENSION BOARD**  
200 W. Washington, 10<sup>th</sup> Floor  
Phoenix, AZ 85003

December 7, 2012

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**MEMBERS PRESENT:** Ms. Toni Maccarone, Chairperson  
Officer Will Buividas, Member  
Lt. Stan Hoover, Member (participated via telephone)  
Ms. Wendy Larsen, Member

**ABSENT:** One Vacancy

**ALSO PRESENT:** Ms. Donna Buelow, Retirement Program Administrator  
Atty. David Niederdeppe, Ryan Rapp & Underwood  
Atty. Cynthia Kelley, Ryan Rapp & Underwood  
Ms. Paula Whisel, Recording Secretary  
Ms. Jackie Temple, City of Phoenix Employees'  
Retirement System (COPERS)  
Ms. Carole Whipple, Court Reporter  
Captain Brian Moore, Fire Department  
Chief Brian Tobin, Fire Department  
Ms. Kelly Emfinger, Fire Department  
Ms. Heather Sneddon, Police Department  
Ms. Colleen Drenth, Applicant  
Ms. Diane Drenth, Guest of Applicant  
Ms. Constance Olson, Guest of Applicant  
Ms. Julie Molesa, Guest of Applicant  
Atty. Dale Norris, Attorney for Applicant  
Atty. John A. Commerford, Attorney for Applicant  
Atty. Richard Waugh, Attorney for Applicant  
Atty. Joel Robbins, Attorney for Applicant  
Mr. J.J. Hensley, Arizona Republic  
Ms. Lori Jane Gliha, KNXV  
Mr. C. Flores, KNXV  
Mr. John Colvin  
Mr. Ben Henry, Phoenix Police Sergeants  
and Lieutenants Association  
Mr. Kurt Arnoldussen, Disability Applicant  
Ms. Bonnie Arnoldussen, Guest of Applicant  
Mr. Paul Dobson, Disability Applicant (participated via  
telephone)  
Ms. Joi Klages, Disability Applicant  
Ms. Abigail Searles, Disability Applicant  
Mr. Michael Malcolm, Guest of Abigail Searles

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The City of Phoenix Police Pension Board met at 200 West Washington Street, 10<sup>th</sup> Floor, 10 East Conference Room, Phoenix, Arizona, on December 7, 2012, at 12:00 p.m. for the purpose of conducting regular business.

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**1. Call to Order**

Chairperson Maccarone called the Police Pension Board meeting to order at 12:11 p.m.

10. **Consideration of Request From Colleen Drenth**

Officer Buividas moved to convene in executive session at 12:11 p.m. Ms. Larsen seconded the motion. The motion carried unanimously.

[Executive Session took place]

The Board convened in open session at 12:16 p.m.

Atty. Dale Norris, Ms. Colleen Drenth, Ms. Diane Drenth, Atty. Joel Robbins and Atty. John Commerford approached the table.

Atty. Dale Norris stated he represented the applicant, Ms. Colleen Drenth. Atty. Norris stated other individuals present included Atty. John Commerford, Atty. Joel Robbins, Ms. Colleen Drenth and Ms. Diane Drenth.

Chairperson Maccarone expressed the Board's condolences to Ms. Colleen Drenth and Ms. Diane Drenth.

Chairperson Maccarone stated previously the Board approved non-duty survivor benefits for Ms. Colleen Drenth.

Atty. Norris stated the standard for the Board's decision and his obligation was to provide the Board with sufficient evidence for the Board to draw a nexus between Sgt. Sean Drenth's public safety duties and his death. He stated he believed the information provided to the Board has done so.

Atty. Norris stated because the statute does have a suicide exemption, if the Board wished to exert this exemption, the burden of proof would shift to the Board to provide, by a preponderance of the evidence, information that would support this exemption. He stated his position and the overwhelming preponderance of evidence is suicide was not even a possibility.

Atty. Norris stated there is a lot which is known and a lot which is not known about this case. He stated the things which are known provide the Board with sufficient evidence to rule on this case. He stated what is known is Sgt. Drenth was an on-duty Police Sergeant at the time he was killed. He stated the Phoenix Police Department's investigation provides information from the GPS from his police vehicle and video recordings from the various businesses in the area. He stated the detectives were able to make the observation it was clear Sgt. Drenth was on patrol when he entered that parking lot, as was his duty. He stated other evidence found at the scene can also lead us to believe, whatever happened, Sgt. Drenth was performing his duties. He stated his handcuffs were out of the holder, they were on the ground and were un-ratcheted. He stated a police officer must ratchet handcuffs to place them in their case and un-ratchet them to use them. He stated Sgt. Drenth's police radio was out and off of his uniform. He stated Sgt. Drenth had abrasions on his knuckles as if he had been in a scuffle and his uniform was dirty. He stated there are many things which demonstrate to the Board at the time Sgt. Drenth was killed he was in the performance of his duties.

Atty. Norris stated what is also known is Sgt. Drenth did not die at his own hand. He stated what can be looked at is the expert opinion and the physical evidence collected at the scene by the Phoenix Police Department. He stated a fully-credentialed, bio-mechanical engineer reviewed the evidence and what she realized is the position of Sgt. Drenth, the position of the shotgun and the blood evidence indicates Sgt. Drenth could not have killed himself and he died at someone else's hand. He stated these are the things we know and these are the things relevant to the inquiry before the Board.

Atty. Norris stated what is not known is who was the other person and why did they kill Sgt. Drenth. He stated the Phoenix Police Department has done an amazing and incredibly thorough investigation, following up on every lead. He stated they could not solve this case. He stated public policy should not force Ms. Colleen Drenth to solve the case in order to receive the benefit she is entitled to.

Atty. Norris stated the application meets the statutory requirements. He stated sufficient evidence has been provided to indicate Sgt. Drenth was killed in the line of duty as the statute defines that. He stated Sgt. Drenth's death was a direct and proximate result of the performance of his public safety duties. He stated it is without question sufficient evidence has been provided to the Board to come to this conclusion. He stated evidence of who and why are not relevant to the decision before the Board. He stated we all want to know, but is not necessary for the Board's decision.

Atty. Norris stated the public policy is the community sent Sgt. Drenth to the dark parking lot in the middle of the night. He stated we asked him to go there and he was asked to protect us. He stated the least we could do is give his widow the benefit of the doubt when it comes to evidence in this case and award her this pension. He stated good public policy is not to force the widow to do something the Police Department could not do, which is to say who and why.

Atty. Norris stated he was asking the Board to award Ms. Colleen Drenth a survivor's benefit in this case.

Atty. Norris thanked the Board for the time they have to commit to this application. He stated he would be happy to answer any questions about the application.

Chairperson Maccarone asked what the current status was of the Police Department's investigation. Lt. Hoover stated he had no more knowledge of the case than any citizen. He stated to his knowledge the status is pending. Chairperson Maccarone stated she had read the status was death unknown.

Officer Buividas stated he struggles immensely with this case. He asked Atty. Norris for his thoughts on the Medical Examiner's (ME) report, where the death was ruled a suicide. Atty. Norris stated the ruling was shocking because the ME relied on no evidence. He stated the ME simply relied on an examination. He stated Ms. Colleen Drenth has had conversations with the ME's office recently. He stated the ME who completed the report is no longer in the office and the current ME intends to take a fresh look at this. He stated the current ME understands that the previous ME relied on evidence of the location of the wound and the fact that no suspects had surfaced in 14 months. He stated he did not think this was appropriate evidence to hinge a decision on, especially given the volume of evidence available to him in the Police Report. Atty. Norris stated the previous ME did not have as complete a report as there was now and maybe he would have come to a different conclusion if he had the information. He stated in coming to his conclusion of suicide the previous ME leaves unanswered the issues presented to the Board concerning the physical position of Sgt. Drenth. Atty. Norris stated the expert bio-mechanical engineer stated given the position of the body and the weapon it was not possible

Sgt. Drenth shot himself. He stated the Police Department hired an expert to examine the weapon and he notes there is nothing on the gun to indicate that it ever struck the ground. He stated the previous ME was plainly wrong.

Chairperson Maccarone asked Atty. Norris if the Board was provided any information concerning the recent conversations with the current ME. Atty. Norris stated the conversations occurred recently. Ms. Colleen Drenth stated she recently met with the Chief Medical Examiner and he stated the previous ME did not make any notes. Ms. Colleen Drenth stated the Chief Medical Examiner indicated in his conversations with the previous ME he indicated he based his decision on the location of the gunshot wound and that there were no suspects. She stated the Chief Medical Examiner indicated the previous ruling was just an opinion and another doctor may have reached a different opinion. She stated the Chief Medical Examiner stated his opinion would have been to rule the cause of death as undetermined. She stated the Chief Medical Examiner made it clear the ruling was just an opinion.

Officer Buividas asked if the ME's report had been reviewed by any other medical examiners, consultants or doctors. Atty. Norris stated this had not been completed. He stated, based on Arizona case law for criminal and civil proceedings, where an ME does not do his own independent investigation, his opinion is not admissible. He stated because the previous ME did no investigation of his own, his ruling is just an opinion and is not admissible to the conclusion of what occurred to Sgt. Drenth.

Lt. Hoover asked Atty. Norris if the forensics and bio-mechanical reports and findings had been provided to the Police Department. Atty. Norris stated the reports had not been provided to the Police Department. He stated he requested a meeting with the investigator; however the investigator did not want to meet. Atty. Robbins stated the forensic psychiatrist report concerning her analysis, the biomechanical investigation, the forensic accident investigator's report as well as the investigation regarding trajectories has been passed along to the City of Phoenix because it is important to find the person who killed Sgt. Drenth. Officer Buividas asked if Atty. Robbins was aware if this information was used in any way to add to or amend their report. Atty. Robbins stated he was not aware what had been done with the information. He stated the ME files were subpoenaed to find out what the basis was of the opinion and they were provided 180 pages, which contained no conclusions, other than part of the Police Report.

Lt. Hoover asked if the current ME would revisit their findings with a different individual upon request. Atty. Norris stated there is a chance, according to the conversation Ms. Colleen Drenth had with the Chief Medical Examiner, he would have ruled it differently had he been the one performing this and he would be willing to take another look at this report.

Lt. Hoover stated the opportunity for other people to review this information may give weight to the Board's decision. He stated there may be evidence, which is unexplained, but could resolve or add weight to a conclusion of either suicide or homicide. Lt. Hoover asked if it would be appropriate for the Board to write a letter to the Police Department and the Medical Examiner to provide the information provided by the applicant and ask if they would be willing to review this information.

Officer Buividas moved to convene in executive session at 12:38 p.m. Ms. Larsen seconded the motion. The motion carried unanimously.

[Executive Session took place]

The Board convened in open session at 12:49 p.m.

Officer Buividas moved for the Board to draft a letter to the Medical Examiner's Office, attach the information provided by the applicant and ask the Medical Examiner to review the information and see if it influences the current ruling on the Sean Drenth case. Lt. Hoover offered an amendment to the motion to suggest the Medical Examiner also consult with the Police Department. Officer Buividas accepted the amendment to the motion. Ms. Larsen seconded the amended motion.

Ms. Larsen stated her understanding of the amended motion was to request the Medical Examiner's Office review the information provided by the applicant and further evidence information available through the Police Department.

Officer Buividas stated, although this delays the process, the Board wants to make sure there is a full and complete record before any determination is made. Chairperson Maccarone stated there was new information presented to the Board at this meeting. Atty. Norris asked what the timeline would be for this request to the Medical Examiner's office. Ms. Larsen stated the request to the Medical Examiner's Office could ask him to let the Board know as soon as possible if he is willing to review the information and then he be allowed to take the time necessary to do so.

Atty. Niederdeppe stated the action the Board is considering will in effect table the applicant's request. Officer Buividas indicated his motion was intended to table the applicant's request until the Board receives information back from the Medical Examiner's Office.

The motion carried unanimously.

The Board took a break from 12:57 p.m. to 1:00 p.m.

5. **Approval of Police Pension Board Minutes:**

- a) October 5, 2012
- b) November 2, 2012

Ms. Larsen moved approval of the October 5, 2012, and the November 2, 2012, meeting minutes. Officer Buividas seconded the motion. The motion carried unanimously.

6. **Consideration of Disability Application – Kurt Arnoldussen (Accidental Disability)**

Mr. Kurt Arnoldussen entered the room.

Chairperson Maccarone stated the Board had an opportunity to review Mr. Arnoldussen's information prior to the meeting. She asked Mr. Arnoldussen for a brief overview on why he was applying for a disability retirement.

Mr. Arnoldussen stated on December 27, 2010, he got into a fight with two burglars and dislocated his shoulder. He stated on February 4, 2011, he had shoulder surgery. He stated a limited range of motion was recovered. He stated in June 2011, he had a manipulation to break up the scar tissue. He stated in July 2011 he was able to return to full-duty for a couple of months. He stated in October 2011, because of pain and loss of range of motion, he had an MRI done which discovered a tear and scar tissue had developed. He stated on December 5, 2011, he had surgery to fix the tear and remove the scar tissue. He stated he still had difficulty and pain so he had another MRI to make sure there were not any more tears. He stated his physician then recommended a test, which found possible muscle damage, weakened muscles and possible nerve damage. He stated he had completed physical therapy throughout the entire process.

He stated he was unable to use his service weapon at this time. He stated he cannot put his arm straight and it becomes fatigued quickly.

Chairperson Maccarone asked Mr. Arnoldussen about his current assignment. Mr. Arnoldussen stated he was currently working at the Judicial Process Detail in a light-duty assignment. He stated previously he was in patrol and had planned on staying in patrol for his entire career. He stated he took classes at Arizona State University to get his Master's Degree because he had planned on promoting within the Police Department.

Officer Buividas moved to refer Mr. Arnoldussen for an independent medical examination with an orthopedic doctor. Ms. Larsen seconded the motion. The motion carried unanimously.

Mr. Arnoldussen left the room.

#### 14. **Consideration of Omnibus Action Items**

Ms. Larsen moved approval of the omnibus action items. Officer Buividas seconded the motion. The motion carried unanimously.

##### a. **New Member Reports**

##### b. **Deferred Retirement Option Plan**

- |    |                           |                    |
|----|---------------------------|--------------------|
| 1) | Name:                     | Mark W. Armistead  |
|    | Rank:                     | Police Officer     |
|    | Years of Service:         | 26.318             |
|    | Age:                      | 47                 |
|    | Effective Date:           | 11/01/12           |
|    | Maximum Duration of DROP: | 60 months          |
|    | Monthly Benefit:          | \$5,185.96         |
| 2) | Name:                     | Jerry A. Oliver II |
|    | Rank:                     | Police Officer     |
|    | Years of Service:         | 23.170             |
|    | Age:                      | 42                 |
|    | Effective Date:           | 11/01/12           |
|    | Maximum Duration of DROP: | 60 months          |
|    | Monthly Benefit:          | \$4,706.53         |
| 3) | Name:                     | Robin L. Ontiveroz |
|    | Rank:                     | Police Officer     |
|    | Years of Service:         | 25.188             |
|    | Age:                      | 45                 |
|    | Effective Date:           | 11/01/12           |
|    | Maximum Duration of DROP: | 60 months          |
|    | Monthly Benefit:          | \$5,057.39         |
| 4) | Name:                     | Michael T. Orloski |
|    | Rank:                     | Police Officer     |
|    | Years of Service:         | 25.014             |
|    | Age:                      | 47                 |
|    | Effective Date:           | 11/01/12           |
|    | Maximum Duration of DROP: | 60 months          |
|    | Monthly Benefit:          | \$4,979.32         |

c. **Election to Terminate Participation in the Deferred Retirement Option Plan (DROP) and Apply for Normal Retirement**

1) Name: Robert W. Graham  
Benefit: \$4,771.30  
Entered DROP Effective: 12/01/08  
Terminate DROP Effective: 01/01/13

d. **Death – Survivor Benefits Payable**

1) Name: Dorothy Shugart  
Member: Clifford R. Shugart  
Date of Death: 10/22/12  
Survivor Benefit: \$2,709.22

e. **Death – Survivor Benefits Payable – Recalculation**

1) Name: Jeri Kurtenbach  
Member: Gerd J. Kurtenbach  
Date of Death: 09/27/12  
Survivor Benefit: \$8,614.98  
2) Name: Child of Gerd Kurtenbach  
Member: Gerd J. Kurtenbach  
Date of Death: 09/27/12  
Survivor Benefit: \$1,076.87  
3) Name: Okson Marks  
Member: Tony M. Marks  
Date of Death: 08/14/12  
Survivor Benefit: \$3,055.17

f. **Purchase of Prior Service**

1) Angela Haas 11/15/12  
2) Robert Lee 11/15/12  
3) Steven L. Perrotta 11/14/12  
4) Steve Porter 11/14/12  
5) John Risch 11/14/12

g. **Separation Benefit**

1) John E. Schlender \*\$84,298.38  
\*Includes enhanced portion of \$38,731.69

7. **Consideration of Disability Application – Paul Dobson (Accidental Disability)**

Mr. Paul Dobson participated via telephone.

Chairperson Maccarone stated the last time the Board spoke with Mr. Dobson they had asked for additional information, which the Board had received.

Lt. Hoover stated he had read through Dr. Schulte's letter and it was obvious the doctor had not reviewed the supporting documentation which the Board has reviewed. He stated he believed Dr. Schulte has a rather myopic view of Mr. Dobson's issues. He stated he also noted Dr. Schulte thought he might have a conflict of interest. He stated he reviewed the letter previously composed by the Board's attorney, Atty. Niederdeppe. Lt. Hoover stated he clearly does not have a conflict of interest. He stated he was prepared to review the application in his role as a Board member without any conflict.

Mr. Dobson stated the tone of Dr. Schulte's letter had not been at his request. He stated he was surprised by the tone of the letter. He stated during sessions with Dr. Schulte, long before he applied for the disability pension and prior to being placed in a light-duty assignment, he explained to Dr. Schulte what had happened to him was not due to a pre-existing condition but a predisposition. Mr. Dobson stated Dr. Schulte indicated he showed symptoms of post-traumatic stress disorder (PTSD). He stated Dr. Schulte was a Harvard educated medical doctor and had treated Vietnam war veterans.

Lt. Hoover stated he had been concerned with whether Mr. Dobson's issues were related to his work or long-standing, well-documented personal issues. He stated the additional information documents Mr. Dobson's struggle with a bipolar condition.

Lt. Hoover moved to refer Mr. Dobson for psychological evaluations with a psychologist and a psychiatrist and request the medical team address whether any mental issues are a result of a preexisting, lifelong recurrent bipolar disorder and personal issues or PTSD from Mr. Dobson's work. He stated he would like the doctors notified of the indications and observations reviewed in previous Minnesota Multiphasic Personality Inventory (MMPI) assessments conducted as part of work fitness exams. Officer Buividas seconded the motion.

Mr. Dobson asked when there was a notation regarding a previous MMPI. Officer Buividas stated the notation was from a 2003 work fitness.

Chairperson Maccarone called for the vote. The motion carried unanimously.

Officer Buividas asked Mr. Dobson where he was currently residing. Mr. Dobson stated he was living in Washington.

Officer Buividas asked Atty. Niederdeppe if there was any statutory guidance regarding where an IME should take place when an applicant has moved out of state. Atty. Niederdeppe stated the statutes do not mandate where the exams take place.

Lt. Hoover stated the Board previously arranged for reexaminations in other locations, however, the initial examinations have all been conducted in Arizona.

Mr. Dobson stated he was able to travel to Arizona.

Mr. Dobson disconnected the call.

#### **8. Consideration of Disability Application – Joi Klages (Accidental Disability)**

Ms. Joi Klages entered the room.

Chairperson Maccarone stated the Board had an opportunity to review Ms. Klages' records. She asked Ms. Klages for a brief overview on why she was applying for a disability retirement.

Ms. Klages stated she was before the Board in reference to an on-duty motor vehicle accident on June 15, 2009. She stated the other driver was at fault. She stated, based on the injuries and the treatments she has already had as a result of the accident, she cannot and will not be able to perform the duties of a Police officer. She stated she currently has a double fusion in her spine. She stated on August 30, 2012, she had a second fusion and may need additional surgeries in the future as a result of the accident. She stated she was very limited in the amount of time she can sit in a chair, stand in one place and cannot walk more than short distances. She stated driving was aggravating



since most of her injuries were to the right side of her lower back. She stated she cannot lift objects more than five to ten pounds. She stated she was also very limited in her range of motion like twisting and bending.

Ms. Klages stated the accident happened on June 15, 2009, and she was off work through July 26, 2009. She stated she tried to work a light-duty assignment from July 27, 2009, to September 11, 2009. She stated her symptoms were getting worse and she has been off work since September 11, 2009, when her primary care doctor took her off work completely. She stated her surgeon also has her off work until further notice.

Ms. Klages stated after the accident she started seeing a chiropractor and also had massage therapy. She stated the first surgery was on June 29, 2010, after going through several court hearings with Workers' Compensation. She stated the first lumbar fusion was at L5/S1. She stated three months after the surgery she started physical therapy. She stated her symptoms of pain in her low right back, having to do with her sacroiliac joint on the right side, and then sciatic pain in her right leg returned. She stated she was referred to a pain management doctor she began to see in 2011 after doing almost a year of physical therapy and not having any progress. She stated she saw the pain management doctor on numerous occasions until January 2012. She stated she had several epidural steroid injections in her low back which provided minimal relief for a few days at a time. She stated she then began pain medication, which gave her some relief with the pain in her leg but caused dizziness most of the time. She stated she then had another MRI and scan done in April 2012 and May 2012, which showed a cyst in the right sacroiliac joint based on an unstabilized level at L4/L5.

Ms. Klages stated the most recent surgery was done on August 30, 2012, which redid the first fusion and connected the L4/L5 and left the cyst alone. She stated with the stabilization from the fusion, the cyst was not expected to grow or cause more problems with her right leg. She stated the possible complications were not limited to but included possible scar tissue causing chronic pain, possible neurovascular damage from the hardware placement, possibility of failure of the surgery to heal, possible need for additional anterior/posterior procedures or lateral procedures.

Ms. Klages stated the CT scan done in April 2012 showed she also had a bulging disk. She stated she had been advised there was a possibility the fusion it will affect other disks.

Chairperson MacCarone asked Ms. Klages to clarify when she had last worked. Ms. Klages stated she had not worked since September 11, 2009. She stated she tried to apply for long-term disability (LTD) benefits, but she was turning down because she had the wrong doctors filling out the forms. She stated she has been on a leave of absence since her leave had run out.

Lt. Hoover stated the Board's materials included an independent medical exam which said the aggravation of the work injury was work related.

Officer Buividas moved to refer Ms. Klages for an independent medical examination with an orthopedic doctor. Lt. Hoover seconded the motion. The motion carried unanimously.

Ms. Klages left the room.

12. **Consideration of Possible Reexaminations of Disability Retirees**

Officer Buividas stated he does not see a need to refer anyone for reexaminations this year. Lt. Hoover stated he agreed with Officer Buividas. He stated the Board reserves the right to refer individuals for reexamination in the future.

It was a consensus of the Board not to refer any retirees for reexaminations.

13. **Report of City of Phoenix Public Safety Employees Who Have Retired/Exited the Deferred Retirement Option Plan During October 2012 and November 2012 (to be distributed)**

Chairperson MacCarone stated this item was informational.

9. **Consideration of Disability Application – Abigail Searles (Accidental Disability)**

Ms. Abigail Searles and Mr. Michael Malcolm entered the room.

Chairperson MacCarone stated the Board had the opportunity to review Ms. Searles' information. She asked Ms. Searles for a brief overview of her condition and why she was applying for a disability retirement.

Ms. Searles stated she got in a fight at work and received a brain injury from the fight. She stated she has gone through all of her leave time and now she is receiving LTD benefits. She stated she recently found out Workers' Compensation was taking over her case.

Officer Buividas stated he had worked with Ms. Searles regarding the LTD process. He stated this was a unique case. He stated some doctors have indicated the conditions are due to a traumatic brain injury. He stated other doctors, from the Workers' Compensation provider, have indicated the conditions are not due to a traumatic brain injury because the conditions should already be cleared up and now she was having other issues.

Officer Buividas moved to refer Ms. Searles for an independent medical examination with a neurologist who specializes in closed-head trauma. Ms. Larsen seconded the motion. The motion carried unanimously.

Officer Buividas stated the new information from Workers' Compensation should be provided to the IME physician.

Ms. Searles and Mr. Malcolm left the room.

Lt. Hoover disconnected the call.

11. **Consideration of Reemployment – Russel Rader**

Ms. Buelow stated the Board is required to review reemployment issues. She stated information from the Public Safety Personnel Retirement System regarding the expectations of the Board was included in the material.

Officer Buividas stated Mr. Rader had been hired as a Detention Officer in the Jail Detail. He stated this was a new position created by the Police Department to civilianize the responsibility previously done by sworn officers. He stated Mr. Rader applied for the job after he retired over a year ago. He stated Mr. Rader went through a selection process and was one of 15 individuals selected. He stated this was a completely different position than a Police Officer.

Atty. Niederdeppe stated the Board should consider establishing a record regarding what Mr. Rader did when he left, what he is doing now and detail the differences. He stated the former position is certified and the current position is not.

Officer Buividas stated Mr. Rader's current detail is non-sworn.

Officer Buividas moved Mr. Rader's current PSPRS retirement benefits not be effected or impacted by his return to work with the City of Phoenix. Officer Buividas stated Mr. Rader's current position with the City of Phoenix is a civilian position, Police Assistant – Special Detail. He stated Mr. Rader was in a Detention Officer position, only available to civilians, his position does not require Arizona Peace Officer Standards and Training (AZ POST) certification as a sworn position would and his position was filled through a competitive selection process which he was one of 15 chosen from several hundred who applied for the position. Ms. Larsen seconded the motion. The motion carried unanimously.

15. **Future Agenda Items**

No new future agenda items were requested.

16. **Call to the Public**

There was no response to the call to the public.

17. **Next Board Meeting: January 4, 2013 – 12:00 P.M.**

Chairperson Maccarone stated this item was informational.

Chairperson Maccarone called the Fire Pension Board to order at 1:47 for a joint meeting with the Police Pension Board.

2. **Update and Discussion Regarding Defined Contribution and Retirement Study Committee**

Chief Tobin stated the Committee met in November 2012 and received testimony from the administrators of the Arizona State Retirement System (ASRS) and the Public Safety Personnel Retirement System (PSPRS) plans regarding the financial status of both. He stated the Committee also received testimony from an organization associated with the Pew Research Center suggesting changes to the retirement systems in Arizona. He stated the Committee has taken no action. He stated the next meeting is scheduled for December 20, 2012. He stated a final report is due December 31, 2012.

3. **Presentation of Public Safety Personnel Retirement System Local Board Newsletter – November/December 2012**

Chairperson Maccarone stated the newsletter was informational.

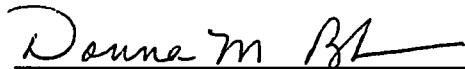
4. **Presentation of Performance Management Reports**

Chairperson Maccarone stated the reports were informational.


18. **Close Session**

The meeting adjourned at 1:52 p.m.

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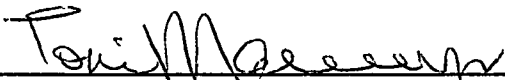


Donna M. Buelow  
Retirement Program Administrator



Paula Whisel  
Recording Secretary

**APPROVED:**



Ms. Toni Maccaroné, Chairperson  
Police Pension Board

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