



City of Goodyear

See meeting location
below

Meeting Minutes

Police Public Safety Personnel Retirement Board

Thursday, September 29, 2016

8:15 AM

Goodyear City Hall, Room 204
190 N. Litchfield Rd.
Goodyear, AZ 85338

1. CALL TO ORDER

Chairman Stipp called the Police PSRS Meeting to order at 8:15 a.m.

2. ROLL CALL

Present: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

MOTION by Boardmember Mathias, SECONDED by Boardmember Hughes, to EXCUSE Boardmember Stewart from the meeting. The motion carried by the following vote:

Ayes: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

Staff Present: City Clerk Maureen Scott, Assistant City Attorney Lisa Maxie-Mullins, Goodyear Police Detective James Hernandez and Total Compensation Administrator Jeanni Ruddy

PSRS Board Legal Counsel: Cindy Kelley with Ryan Rapp and Underwood

Others Present: Attorney Caroline Pilch, John V. Miller and Court Reporter Chris Landers

3. APPROVE MINUTES

[MINUTES](#)
[71-2016](#)

Approve draft minutes of the Police Public Safety Retirement Board Meeting held on August 10, 2016.

MOTION by Boardmember Mathias, SECONDED by Boardmember DeHaan, to APPROVE the minutes. The motion carried by the following vote:

Ayes: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

4. CITIZENS COMMENTS/ APPEARANCES FROM THE FLOOR

None.

5. BUSINESS

BOARD, UPON ROLL CALL VOTE, MAY CONVENE AN EXECUTIVE SESSION AS POSTED FOR THE FOLLOWING:

Pursuant to A.R.S. §38-431.03(2),(3) and (4) the Police Pension Board may vote to convene in executive session to discuss or consider personnel matters, confidential records exempt by law from public inspection, and/or to consult with the Board's Attorney for legal advice and to consider the Board's position and to instruct the Board's attorney regarding its position in contemplated litigation regarding item 5.3. and 5.4. The Board will take action on these items in open session.

MOTION by Boardmember Hughes, SECONDED by Boardmember Mathias to CONVENE into Executive Session 1 at 8:20 a.m. The motion carried by the following vote:

Ayes: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

5.1. Chairman Stipp adjourned Executive Session 1 at 8:50 a.m. and reconvened the Board Meeting.

Chairman Stipp asked if Mr. Miller would be waiving his right to discuss medical documentation in the public meeting. Miller confirmed that is correct. Miller's attorney, Caroline Pilch, said that Miller completed a Waiver of Confidentiality Form and it was sent to Secretary Maureen Scott. Scott confirmed that it was received and it was sent out to the Police PSRS Board members. Pilch also asked if the Submission of Evidence was received and the secretary confirmed that it was received and distributed to the Police PSRS Board members. Attorney Caroline Pilch began the discussion by explaining that the board is convening for a rehearing to reconsider accepting an Accidental Disability Retirement Application for John V. Miller that was denied by the Police PSRS Board on June 27, 2016. The following reasons for the denial by the Police PSRS Board were:

*Medical records are not showing permanency

*Can still perform reasonable range of duties

*Letter of resignation does not address medical conditions or a disability

*Termination of employment was not due to reason of an accidental disability

Pilch asked the board to rescind their June 27th decision and accept his accidental retirement disability application and send him for an Independent Medical Exam (IME).

Pilch went through Miller's medical history starting with the initial work-related incident that occurred on May 14, 2014. The Industrial injury was filed.

- *December 11, 2014-Miller had surgery

- *January 31, 2015-Miller doing well; went back to unrestricted duty

- *January 31, 2015-May 13, 2015-Unrestricted duty

- *July 10, 2015-Second work-related incident occurred; incident was reported

- *August 12, 2015-Doctor noted that this is a new injury relating to the original injury that occurred on May 14, 2014

- *January 6, 2016-Third work-related incident occurred recently; incident was reported; doctor recommended limited duty

- *March 15, 2016-Independent Medical Exam-Permanent Light Duty activities

- *April 13, 2016-Miller submitted Accidental Disability Retirement Application

- *April 15, 2016-Doctor reports that he is at his maximum medical improvement and not able to perform the duties of a police officer especially given the equipment that must be worn. No treatment available

- *June 8, 2016-Doctor stated he is at maximum medical improvement with same restrictions as before

- *June 16, 2016-Letter of Resignation

Miller explained what his duties were when he was on light duty with the Police Department from January to June 2016. He said the Police Department doesn't have a position for modified duty.

- *September 13, 2016-Doctor reiterated his current medical conditions are direct result of May 4, 2014 incident and cannot return to duty

POLICE PSRS Board Questions and Comments

- *The first injury is documented, where are the other two injuries that occurred on the job documented? It was not shown in the medical documentation. Miller said he reported all three incidents to his supervisor and they were then entered into the Incident Reporting System

- *Questioned the time from when he met with the doctor on June 8th until he turned in his resignation letter on June 16th. What was the catalyst that made him decide to turn in his resignation? Miller said it was the June 8th visit with the doctor. The doctor told him there was nothing more he could do

- *Asked Miller if he was on administrative leave due to a criminal investigation during this time and Miller said yes

- *Asked Miller when he was going to be interviewed for the criminal investigation and Miller said he didn't remember

- *Boardmember Hughes said the internal investigation interview was going to take place on June 17th and Miller turned in his resignation on June 16th

- *Miller said he never received any information on the investigation

Detective Hernandez from the Goodyear Police Department answered some questions related to the criminal investigation.

- *When did the internal investigation begin? Hernandez answered April 7, 2016

*Miller was put on Administrative leave April 7, 2016

*Detective Hernandez received the Investigation report from Avondale on June 2, 2016. When there are criminal allegations, the investigation is done by another agency.

Miller stated that the administrative leave has nothing to do with his medical problems.

MOTION by Boardmember Hughes, SECONDED by Boardmember Mathias, to CONVENE into Executive Session 2 at 9:58 a.m. The motion carried by the following vote:

Ayes: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

Chairman Stipp adjourned the Executive Session 2 at 10:30 a.m. and reconvened the Board Meeting.

The Police PSRS Board requested that Detective Hernandez read the allegations against Miller.

Pilch objected. She stated the allegations do not have anything to do with the request for an accidental disability retirement. She stated the question violates due process and the boardmember's decision should be based on the medical information provided. Pilch objected to any testimony that doesn't have to do with the medical documentation. Pilch referred to the Parkinson v. Guadalupe Case.

Cindy Kelley, the PSRS Board Attorney, said the objection has been noted. Kelley said they could proceed with the allegations.

Detective read the ten individual allegations that occurred at Majerle's Sports Grill on April 2, 2016. The findings of the investigation were found sustained on all ten allegations.

Pilch stated that Miller was never informed of the findings. Pilch objected to the board's question if he was still certified under the Police Officers Standards because it is not relevant. Kelley sustained. She said that the board can ask questions if they think it's relevant. Hughes withdrew his question.

Pilch concluded by saying that Miller's condition is permanent and cannot be fixed. The last doctor in June 2016 stated he will never carry a duty belt again or be able to do the duties of a police officer. She reiterated that she would like the board to rescind their June 27, 2016 decision of denial and send him for an IME.

Kelley said the board can do one of three things:

*They can overturn the previous determination and send him for an IME.

*They can deny the disability application.

*They can take some other action.

5.3. Re-Hearing for John V. Miller. Police Board will consider accepting Accidental Disability Application.

MOTION by Boardmember DeHaan, SECONDED by Boardmember Mathias, to RESCIND the original decision of denial on June 27, 2016, and ACCEPT John V. Millers Accidental Disability Retirement Application and send him for an Independent Medical Exam.

Ayes: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

Chairman Stipp requested that when the IME is done to not use any doctors that Miller has already seen.

Chairman Stipp said that specific follow-up questions need to be submitted with the IME. The Police PSRS Board will send the questions to the secretary to include with the IME.

5.4. Police Board will consider new hire membership applications for Johnnatan Martinez and Aaron Torrez.

MOTION by Boardmember Hughes, SECONDED by Boardmember DeHaan, to CONVENE into Executive Session 3 at 10:55 a.m. The motion carried by the following vote:

Ayes: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

Chairman Stipp adjourned the Executive Session at 10:56 a.m. and reconvened the Police PSRS Board Meeting.

MOTION by Boardmember DeHaan, SECONDED by Boardmember Mathias, to ACCEPT new hire membership applications for Johnnatan Martinez and Aaron Torres without pre-existing conditions. The motion carried by the following vote:

Ayes: 4 - Chairman Stipp, Boardmember Mathias, Boardmember Hughes and Boardmember DeHaan

Excused: 1 - Boardmember Stewart

6. ADJOURNMENT

There being no further business to discuss, Chairman Stipp adjourned the meeting at 10:58 a.m.

Maureen Scott, Secretary

Bill Stipp, Chairman

CERTIFICATION OF MINUTES

I hereby certify that the minutes are a true and correct copy of the minutes of the Special Meeting of the Police Public Safety Personnel Retirement Board of the City of Goodyear, Arizona, held on 09/29/2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____ 2016.

Maureen Scott, Secretary
Public Safety Personnel Police Retirement Board