

POLICE AND FIRE DEPARTMENT RETIREMENT PLAN

Minutes of the Board Meeting

Special Meeting

Thursday

SAN JOSÉ, CALIFORNIA

January 3, 2013

CALL TO ORDER

The Board of Administration of the Police and Fire Department Retirement Plan met on Thursday, January 3, 2013 in a special meeting session at City Hall Wing Rooms 118/120, 200 East Santa Clara Street, San José, California 95113. Chair Sean Kaldor called the meeting to order at 11:16 a.m.

BOARD MEMBERS

Sean Kaldor, Chair	-Present
Richard Santos, Vice Chair	-Present
Sean Bill	-Absent
Damon Krytzer	-Absent
Drew Lanza	-Present
James Mason	-Present
Nick Muyo	-Present
Elizabeth Rounds	-Present
Vincent Sunzeri	-Absent

NON-VOTING BOARD MEMBER

Pete Constant -Present

ACTING DIRECTOR RETIREMENT SERVICES

Donna Busse -Present

COUNSEL

Harvey Leiderman -Present

BOARD MEDICAL DIRECTOR

Rajiv Das, M.D. - Present

RETIREMENT SERVICES STAFF – PRESENT: Toni Johnson; Veronica Niebla; Lesley Lamb; Sonia Morales; Jennifer Holmboe; Jesselle Holcomb; Melanie Kirmse.

ALSO PRESENT: Jim Spence, P&F Retirees' Association; Sam Swift, Attorney, Thomas Boyle, Attorney; Ed Powell, Retiree; Carlos Chaboya, Retiree; George Lucchesi, Retiree; Tom Reischl, Retiree; Marty Jo Luis, Police Department; Mark DeMaria, Retiree.

CALL TO ORDER: 11:16 a.m.

- **ORDERS OF THE DAY**

1. **RETIREMENTS**

- 1.1 **Service-Connected Disability**

- a. **Mark DeMaria**, Police Officer, Police Department, effective January 3, 2013; 11.41* years of service. Disability Committee provided no recommendation on the application. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. DeMaria was present, represented by Attorney Thomas Boyle. The following reports were presented to the Board:

LISTING OF MEDICAL REPORTS

Body Part: Low Back

Documentation of Mechanism of Injury:

1. July 21, 2010, by Natan Bar-Shimon, LAC
2. June 2, 2011, by Patrick McCreesh, M.D.
3. June 29, 2011, by Renee Ownbey, D.C.

Documentation of Medical Treatment/Assessment/Disability:

1. September 20, 2007, by Charles Griffin, M.D.
2. October 4, 2007, by Patrick McCreesh, M.D.
3. October 15, 2007, by Justin Lo, MD.
4. October 24, 2007, by Eugene DellaMaggiore, M.D.
5. November 14, 2007, by Joseph Welsh, M.D.
6. December 19, 2007, by Justin Lo, M.D.
7. December 26, 2007, by Emeka Nchekwube, M.D.
8. March 6, 2008, by Emeka Nchekwube, M.D.
9. April 21, 2008, by Emeka Nchekwube, M.D.
10. December 8, 2008, by Patrick McCreesh, M.D.
11. July 16, 2009, by Patrick McCreesh, M.D.
12. July 7, 2010, by Judith Peto, PA-C
13. July 29, 2010, by Judith Peto, PA-C
14. September 7, 2010, by Mark Culton, M.D.
15. November 9, 2010, by Emeka Nchekwube, M.D.
16. May 5, 2011, by Judith Peto, PA-C
17. July 8, 2011, by Aimee Pham, LAC
18. July 18, 2011, by Emeka Nchekwube, M.D.
19. July 28, 2011, by Mark Culton, M.D.
20. September 1, 2011, by Emeka Nchekwube, M.D.
21. October 6, 2011, by David Smolins, M.D.
22. December 19, 2011, by David Smolins, M.D.
23. January 16, 2012, by David Smolins, M.D.
24. March 15, 2012, by Alfredo Fernandez, M.D.
25. July 12, 2012, by David Smolins, M.D.

A motion was made to approve the Service-Connected Disability application for Mark DeMaria.

Approved. (M.S.C. – Santos/Mason, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

1.2 Change of Status to a Service-Connected Disability

- a. Carlos Chaboya**, Firefighter, Fire Department. Request for a Change of Status to a Service-Connected Disability Retirement, effective November 27, 2010; 29.49 years of service. Disability Committee recommends to grant approval. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. Chaboya was present, represented by Attorney Sam Swift. The following reports were presented to the Board:

LISTING OF MEDICAL REPORTS

1 LOWER BACK	
Mechanism of Injury	
October 22, 2000	Mark Eastland, D.C.
March 14, 2001	Mark Eastland, D.C.
June 20, 2010	Kylie Pittet, D.C.
July 5, 2010	Steven Germany, D.O.
July 5, 2010	Mark Eastland, D.C.
July 5, 2010	Vineet Sharma, M.D.
August 30, 2010	Judith Peto, PA-C
August 30, 2010	Minh Nguyen, M.D.
Assessment/Treatment/Disability	
October 6, 2010	Mark Culton, M.D.
November 22, 2010	Judith Peto, PA-C
April 29, 2011	Safety Works Medical Incorporated
April 29, 2011	Mark Bernhard, D.O.
May 4, 2011	Patrick McCreesh, M.D.
May 8, 2011	Mark Bernhard, D.O.
May 24, 2011	Judith Peto, PA-C
August 16, 2011	Judith Peto, PA-C
September 8, 2011	Judith Peto, PA-C
October 20, 2011	Judith Peto, PA-C
February 7, 2012	Patrick McCreesh, M.D.
February 24, 2012	Safety Works Medical Incorporated
February 24, 2012	Cedaron Medical Incorporated
February 24, 2012	Mark Bernhard, D.O.
February 27, 2012	Judith Peto, PA-C
March 7, 2012	Mark Bernhard, D.O.
February 20, 2012	Patrick McCreesh, M.D.
February 20, 2012	Patrick McCreesh, M.D.
2 RIGHT & LEFT KNEES	
Mechanism of Injury	
August 23, 2010	Judith Peto, PA-C
Assessment/Treatment/Disability	
July 22, 2010	Elizabeth Schneider, M.D.
August 31, 2010	Michael Dick, M.D.
August 31, 2010	Michael Dick, M.D.
September 24, 2010	Eugene DellaMaggiore, M.D.
October 15, 2010	Eugene DellaMaggiore, M.D.
November 10, 2010	Eugene DellaMaggiore, M.D.
February 23, 2011	Eugene DellaMaggiore, M.D.
April 29, 2011	Safety Works Medical Incorporated
July 26, 2011	Judith Peto, PA-C
July 26, 2011	Eugene DellaMaggiore, M.D.
September 26, 2011	Eugene DellaMaggiore, M.D.
December 12, 2011	Eugene DellaMaggiore, M.D.
January 17, 2012	Eugene DellaMaggiore, M.D.
February 21, 2012	Eugene DellaMaggiore, M.D.
February 21, 2012	Eugene DellaMaggiore, M.D.
February 21, 2012	Eugene DellaMaggiore, M.D.
February 21, 2012	Eugene DellaMaggiore, M.D.
February 21, 2012	Eugene DellaMaggiore, M.D.
February 21, 2012	Eugene DellaMaggiore, M.D.

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A motion was made to approve the Change of Status to a Service-Connected Disability for Carlos Chaboya.

Approved. (M.S.C. – Santos/Kaldor, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

- b. George J. Lucchesi**, Fire Captain, Fire Department. Request for a Change of Status to a Service-Connected Disability Retirement, effective January 23, 2010; 33.69 years of service. Disability Committee recommends to grant approval. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. Lucchesi was present, represented by Attorney Sam Swift. The following reports were presented to the Board:

LISTING OF MEDICAL REPORTS

1 NECK	
Mechanism of Injury December 10, 2009	Judith Peto, PA-C
Assessment/Treatment/Disability April 6, 2010 May 18, 2010 June 17, 2010 July 28, 2010 October 28, 2010 February 7, 2011 February 27, 2011 March 1, 2011 August 17, 2010 January 9, 2012	Murray Solomon, M.D. James Choi, D.C. Patrick McCreesh, M.D. Patrick McCreesh, M.D. Allen Kaisler-Meza, M.D. Mark Culton, M.D. Kenneth Blumenfeld, M.D. Judith Peto, PA-C Patrick McCreesh, M.D. Patrick McCreesh, M.D.
2 RIGHT HIP	
Mechanism of Injury April 5, 2007	Patrick McCreesh, M.D.
Assessment/Treatment/Disability April 5, 2007 April 19, 2007 May 10, 2007 January 7, 2011 January 28, 2011 March 29, 2011 March 29, 2011 August 29, 2011 August 29, 2011	William Soule, M.D. Harjit Sekhon, M.D. Patrick McCreesh, M.D. Michael Dick, M.D. Allen Kaiser-Meza, M.D. Eugene DellaMaggkore, M.D. Eugene DellaMaggkore, M.D. Eugene DellaMaggkore, M.D. Eugene DellaMaggkore, M.D.
3 LOWER BACK	
Mechanism of Injury September 25, 2008	Patrick McCreesh, M.D.
Assessment/Treatment/Disability April 19, 2007	Harjit Sekhon, M.D.

October 9, 2008	Lawrence Chan, M.D.
October 29, 2008	Patrick McCreesh, M.D.
November 29, 2010	Judith Peto, PA-C
March 28, 2011	Judith Peto, PA-C
April 12, 2010	Patrick McCreesh, M.D.
January 9, 2012	Patrick McCreesh, M.D.
4 LEFT KNEE	
Mechanism of Injury September 26, 2007	Patrick McCreesh, M.D.
August 25, 2008	Patrick McCreesh, M.D.
September 10, 2008	Mark Culton, M.D.
November 4, 2008	Eugene DellaMaggiore, M.D.
December 15, 2008	Eugene DellaMaggiore, M.D.
February 2, 2009	Eugene DellaMaggiore, M.D.
January 12, 2010	Mark Culton, M.D.
March 1, 2010	Eugene DellaMaggiore, M.D.
May 26, 2010	Patrick McCreesh, M.D.
August 9, 2010	Eugene DellaMaggiore, M.D.
June 17, 2010	Patrick McCreesh, M.D.
January 9, 2010	Patrick McCreesh, M.D.

A motion was made to approve the Change of Status to a Service-Connected Disability for George J. Lucchesi.

Approved. (M.S.C. – Santos/Muyo, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

- c. **James M. Overstreet**, Police Sergeant, Police Department. Request for a Change of Status to a Service-Connected Disability Retirement, effective October 31, 2009; 28.52 years of service. Disability Committee recommends to grant approval. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. Overstreet was present. The following reports were presented to the Board:

LISTING OF MEDICAL REPORTS

1 NECK, LEFT SHOULDER	
Mechanism of Injury	
February 27, 2003	Illegible
April 9, 2003	Illegible
Assessment/Treatment/Disability	
February 27, 2003	Robert Gamburd, M.D.
February 27, 2003	Robert Gamburd, M.D.
March 5, 2003	Robert Gamburd, M.D.
March 21, 2003	Mark Culton, M.D.
April 11, 2003	George Thabit III, M.D.
May 7, 2003	George Thabit III, M.D.
October 20, 2003	George Thabit III, M.D.
October 20, 2003	George Thabit III, M.D.
May 7, 2004	Oscar Abeliuk, M.D.

May 2, 2007	Mark Eastland, D.C.
May 8, 2007	Robert Gamburd, M.D.
June 5, 2007	Robert Gamburd, M.D.
June 18, 2007	Mark Culton, M.D.
July 25, 2007	Robert Gamburd, M.D.
November 30, 2007	George Thabit III, M.D.
October 7, 2009	Robert Gamburd, M.D.
October 12, 2009	Robert Gamburd, M.D.
October 12, 2009	Robert Gamburd, M.D.
October 12, 2009	Robert Gamburd, M.D.
October 12, 2009	Robert Gamburd, M.D.
October 12, 2009	Robert Gamburd, M.D.
October 12, 2009	Robert Gamburd, M.D.
May 31, 2011	Robert Gamburd, M.D.
May 31, 2011	Robert Gamburd, M.D.
2 LOWER BACK, LEFT KNEE	
Mechanism of Injury	
April 4, 2001	Robert Gamburd, M.D.
Assessment/Treatment/Disability	
April 18, 2001	Murray Solomon, M.D.
July 31, 2002	Robert Gamburd, M.D.
October 9, 2002	Robert Gamburd, M.D.
November 7, 2002	Robert Gamburd, M.D.
May 18, 2005	Robert Gamburd, M.D.
July 8, 2005	Robert Gamburd, M.D.
August 8, 2005	Mark Culton, M.D.
October 24, 2005	Robert Gamburd, M.D.
December 2, 2005	Robert Gamburd, M.D.
December 23, 2005	Robert Gamburd, M.D.
February 3, 2006	Robert Gamburd, M.D.
February 22, 2006	Robert Gamburd, M.D.
February 23, 2006	Robert Gamburd, M.D.

A motion was made to approve the Change of Status to a Service-Connected Disability for James M. Overstreet based on left shoulder.

Approved. (M.S.C. – Santos/Mason, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

- d. **Edward L. Powell**, Fire Engineer, Fire Department. Request for a Change of Status to a Service-Connected Disability Retirement, effective January 25, 2009; 27.73 years of service. Disability Committee recommends to grant approval. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. Powell was present, represented by Attorney Sam Swift. The following reports were presented to the Board:

LISTING OF MEDICAL REPORTS

1. BACK/TRUNK	
<u>Mechanism of Injury</u>	
January 7, 2008	Jamie Lenz, D.C.
<u>Assessment/Treatment/Disability</u>	
February 16, 2012	Brian Karvelas, M.D.
February 16, 2012	Brian Karvelas, M.D.
2. SHOULDERS	
<u>Mechanism of Injury</u>	
November 14, 2006	Benjamin Ling, M.D.
<u>Assessment/Treatment/Disability</u>	
November 14, 2006	Benjamin Ling, M.D.
November 20, 2006	Hon Woo, M.D.
November 20, 2006	Hon Woo, M.D.
November 21, 2006	Benjamin Ling, M.D.
February 16, 2012	Brian Karvelas, M.D.
February 16, 2012	Brian Karvelas, M.D.
3. RIGHT AND LEFT KNEES	
<u>Mechanism of Injury</u>	
September 20, 2000	Lapeygrade, PA
September 22, 2008	William Martin, M.D.
October 31, 2008	Brian Karvelas, M.D.
<u>Assessment/Treatment/Disability</u>	
October 5, 2000	Alan White, M.D.
November 7, 2000	Benjamin Ling, M.D.
November 7, 2000	Benjamin Ling, M.D.
March 25, 2005	Benjamin Ling, M.D.
March 25, 2005	Richard Budenz, M.D.
October 10, 2008	Brian Karvelas, M.D.
December 15, 2011	Mechel Henry, M.D.
January 27, 2012	Brian Karvelas, M.D.
January 27, 2012	Brian Karvelas, M.D.
January 27, 2012	Brian Karvelas, M.D.
January 27, 2012	Brian Karvelas, M.D.
4. SUPPLEMENTAL REPORT	
April 26, 1985	Douglas Blatz, M.D.
November 16, 1987	John Colman, M.D.
January 26, 2011	Thomas Merchant, M.D.

A motion was made to approve the Change of Status to a Service-Connected Disability for Edward L. Powell based on knees.

Approved. (M.S.C. – Santos/Kaldor, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

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- e. **Kenneth G. Rawson**, Police Sergeant, Police Department. Request for a Change of Status to a Service-Connected Disability Retirement, effective December 22, 2012; 20.03 years of service. Disability Committee recommends to grant approval. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. Rawson was present. The following reports were presented to the Board:

LISTING OF MEDICAL REPORTS

1. Right Hand/Wrist	
Mechanism of Injury	
February 2, 2011	Arvind Jaini, M.D.
Assessment/Treatment/Disability	
February 9, 2011	Jin Kim, M.D.
March 15, 2011	Manjari Patel, M.D.
March 17, 2011	Mary Alice Ambrose, M.D.
April 14, 2011	James Orman, M.D.
April 18, 2011	Arvind Jaini, M.D.
August 10, 2011	Arvind Jaini, M.D.
November 2, 2011	Arvind Jaini, M.D.
December 29, 2011	Arvind Jaini, M.D.
January 4, 2012	Arvind Jaini, M.D.
2. Lower Back	
Mechanism of Injury	
February 22, 2000	Robert Marx, M.D.
February 22, 2000	Cynthia Flores, P.A.
May 12, 2008	Michael Newman, D.C.
Assessment/Treatment/Disability	
June 14, 2000	Jeffrey Coe, M.D.
May 2, 2000	Harjit Sekhon, M.D.
June 14, 2000	Jeffrey Coe, M.D.
April 24, 2001	Ted Robinson, M.D.
September 17, 2001	Ted Robinson, M.D.
December 13, 2001	Jeffrey Coe, M.D.
September 30, 2008	Michael Newman, D.C.
March 27, 2009	Tatiana Voci, M.D.
June 30, 2009	Michael Newman, D.C.
July 28, 2009	Michael Newman, D.C.
December 28, 2011	Michael Newman, D.C.
January 10, 2012	Michael Newman, D.C.

A motion was made to approve the Change of Status to a Service-Connected Disability for Kenneth G. Rawson.

Approved. (M.S.C. – Santos/Mason, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

- f. **Thomas A. Reischl**, Fire Captain, Fire Department. Request for a Change of Status to a Service-Connected Disability Retirement, effective October 3, 2009; 28.47 years of service. Disability Committee recommends to grant approval. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. Reischl was present, represented by Attorney Sam Swift. The following reports were presented to the Board:

LISTING OF MEDICAL RECORDS

<u>1 NECK & LOWER BACK</u>	
Mechanism of Injury	
March 9, 2006	Patrick McCreesh, M.D.
July 2, 2009	Judith Peto, PA-C
Assessment/Treatment/Disability	
March 14, 2006	David Kramer, M.D.
May 24, 2006	Mark Culton, M.D.
September 13, 2006	Patrick McCreesh, M.D.
December 28, 2009	Michael Dick, M.D.
December 15, 2010	Ana Marta Salinas, M.D.
January 17, 2011	Patrick McCreesh, M.D.
6-08-11, 7-07-11	Ana Marta Salinas, M.D.
October 17, 2011	Patrick McCreesh, M.D.
October 17, 2011	Patrick McCreesh, M.D.
October 17, 2011	Patrick McCreesh, M.D.
October 17, 2011	Patrick McCreesh, M.D.
<u>2 RIGHT & LEFT SHOULDERS</u>	
Mechanism of Injury	
October 13, 2008	Patrick McCreesh, M.D.
Assessment/Treatment/Disability	
April 6, 2009	John Colman, M.D.
May 11, 2009	John Colman, M.D.
July 17, 2009	John Colman, M.D.
August 26, 2009	John Colman, M.D.
March 15, 2010	John Colman, M.D.
March 25, 2010	John Colman, M.D.
March 25, 2010	John Colman, M.D.
January 4, 2011	Tom Norris, M.D.
October 17, 2011	Patrick McCreesh, M.D.
October 17, 2011	Patrick McCreesh, M.D.
January 5, 2012	Patrick McCreesh, M.D.
January 24, 2012	John Colman, M.D.

A motion was made to approve the Change of Status to a Service-Connected Disability for Thomas A. Reischl based on right shoulder and right arm.

Approved. (M.S.C. – Santos/Muyo, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

- g. **Marc D. Remington**, Police Sergeant, Police Department. Request for a Change of Status to a Service-Connected Disability Retirement, effective April 16, 2011; 24.58 years of service. Disability Committee recommends to grant approval. Lesley Lamb, Benefits Manager, read the medical restrictions into the record. Mr. Remington was present, represented by Attorney Thomas Boyle. The following reports were presented to the Board:

LISTING OF MEDICAL RECORDS

<u>1. Right and Left Upper Extremities</u>	
<u>Mechanism of Injury</u>	
December 17, 1994	Laura Cook, M.D.
<u>Assessment/Treatment/Disability</u>	
December 19, 1994	John Csongradi, M.D.
January 4, 1995	David Burton, M.D.
January 11, 1995	David Burton, M.D.
January 18, 1995	David Burton, M.D.
February 1, 1995	David Burton, M.D.
March 2, 1995	Barry Press, M.D.
March 2, 1995	David Burton, M.D.
August 30, 1995	David Burton, M.D.
October 19, 1995	David Burton, M.D.
November 1, 1995	David Burton, M.D.
January 3, 1996	David Burton, M.D.
January 31, 1996	David Burton, M.D.
July 3, 1996	David Burton, M.D.
November 26, 1996	Eric Butler, M.D.
June 23, 1997	David Burton, M.D.
July 9, 1997	David Burton, M.D.
September 17, 1997	David Burton, M.D.
May 24, 2000	David Burton, M.D.
July 10, 2001	Edward Damore, M.D.
August 8, 2001	Edward Damore, M.D.
August 31, 2006	Gordon Brody, M.D.
March 14, 2011	John Welsh, M.D.
April 5, 2011	John Welsh, M.D.
April 11, 2011	John Welsh, M.D.
February 16, 2012	John Welsh, M.D.
February 16, 2012	John Welsh, M.D.
May 2, 2012	John Welsh, M.D.
May 2, 2012	John Welsh, M.D.

A motion was made to approve the Change of Status to a Service-Connected Disability for Marc D. Remington based on right arm.

Approved. (M.S.C. – Santos/Muyo, 6-0-0, with three absent-Bill, Krytzer and Sunzeri)

- **PUBLIC COMMENTS**

Trustee Santos thanked Dr. Das, Attorneys and the Committee in helping to efficiently process many applications. Attorney Sam Swift requested if a fixed schedule can be provided. Jim Spence, President of the Police & Fire Retiree Association, commented on the complexity of receiving treatment based on Worker's Comp requirements and what is given on disabilities.

- **ADJOURNMENT**

Meeting was adjourned at 12:05 p.m.


SEAN KALDOR, CHAIR
BOARD OF ADMINISTRATION

ATTEST:



DONNA BUSSE
ACTING DIRECTOR, RETIREMENT SERVICES