

CITY OF PEORIA, ARIZONA
ACACIA ROOM, CITY HALL
Monday, September 16, 2019

A scheduled meeting of the **Public Safety Retirement Board**, representing **Police** employees of the City of Peoria, Arizona was convened at 8401 W. Monroe Street in open and public session at **8:30 a.m.**

Members Present: Mayor Cathy Carlat, Board Chair
George Johnson, Board Member
Michael Faith, Board Member
Norman Bacon, Board Member
Joshua Champion, Board Member

Members Absent:

Staff Present: Kristen Venditte, HR Analyst
Christine Nickel, Deputy Director of HR
Anthony Alejandro, Council Assistant to the Mayor
Emily Jurmu, Assistant City Attorney
CamaLe Russell, HR Supervisor
Luis Aponte, Peoria Police Sergeant

Others Present: Sam Coffman, Local Board Attorney
Jon Meck, applicant for Disability retirement

Call to the Public: There being no public present, Board Chair Mayor Carlat called for the first agenda item.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed at the meeting.

CONSENT AGENDA: All items listed on the consent agenda are considered to be routine or have been previously reviewed by the Board members and may be enacted by one motion. There is no separate discussion of these items unless a Board Member so requests; in which event the item will be removed from the General Order of Business and is considered in its normal sequence on the Agenda.

CONSENT – New Business: Board Chair Mayor Carlat called for approval of the Consent Agenda. Motion was made by Board Member Josh Champion and seconded by Board Member Mike Faith to approve the Consent Agenda. Upon vote, the motion carried unanimously.

1. **DISPOSITION OF ABSENCE:**

None.

2. **MINUTES:**

Approved the minutes from the Public Safety Retirement Board – Police meeting held on June 17, 2019 as presented.

3. **Authorization to Hold Executive Session:**

Motion was made by Josh Champion for the board to move into Executive Session for purpose of discussing medical records and consulting with Sam Coffman, local board attorney. Motion was seconded by George Johnson. Upon vote, the motion carried unanimously.

The Board recessed into Executive Session at **8:56 a.m.**

At **9:25 a.m.**, the Board reconvened in Open Session.

NEW BUSINESS:

4. **Rehearing on Accidental Disability Application:**

Board Chair, Mayor Carlat called on Board Attorney, Sam Coffman to lead off the discussion regarding Jon Meck's request for a rehearing on his disability application.

Mr. Coffman acknowledged that Jon Meck was in the room and asked if him if he would like the opportunity to address the Board, which Jon acknowledged he did.

Jon Meck's points included that:

- Biggest mistake was not getting help when needed
- 2016 he reached a breaking point and almost took his own life, but didn't get help following that possible scenario
- Felt he just needed to push through and at some point would all go away and get better
- He gave his heart and soul to the department, the City and citizens (almost at cost of his own life and affected his family)
- He was given an ultimatum by spouse
- He tries to avoid triggers and have the best day he can, but he does still have days where he can't turn it off
- He has places he can turn to for help, peer support
- He should have gotten help a long time ago

Board Chair, Mayor Carlat thanked Jon Meck for being there and then addressed the Board that current Peoria Police Sergeant Luis Aponte was in attendance and asked Jon would like Sergeant Aponte to speak and asked Sergeant Aponte if he would like to address the Board, which he advised he would.

Sergeant Aponte made the following comments to the Board:

- Jon has worked in public service for a long time
- On a daily basis, working in public service such as a Police Officer they see a lot of traumatic things they take home on a daily basis
- There are many triggers that follow, and people handle those situations differently

- Those situations take a toll and unless help is sought, a person's glass is going to be full and struggle to deal with it, without going for help
- He commends Jon for finally listening and trying to seek help
- Referenced the recent Craig Tiger Act because of this profound issue with officers and public safety
- Expressed that as an Officer, you really don't know what incident will come up and how it will affect you and these really aren't things most will want to go home and talk to family about
- There is a national epidemic related to traumatic situations
- He keeps in contact with Jon to check in and see how he's doing

Following Sergeant Aponte's comments, Board Attorney, Sam Coffman asked the Board Chair whether she wanted him (Sam Coffman) to ask Jon Meck questions regarding his request. Mr. Coffman asked Jon if he understood that that (1) the Board has to make a determination if sufficient medical evidence was submitted to show that Jon became disabled while on active duty (while working) for the City of Peoria and (2) if Jon resigned his position due to that disability.

Mr. Coffman walked through a time line of events starting with Jon's hire date with the City that included questions as it walked through the timing of when Jon was placed on administrative leave, when he submitted the disability application and up through his resignation. He asked Jon if in the years working for the City had he either been out on a workers compensation claim or leave of absence due to PTSD or related. Jon answered no and explained that it was because your peers ostracize you if you do so you just suck it up and deal with it. Mr. Coffman then discussed with Jon how he got in to see Dr. Kaufman about a month after being placed on administrative leave. Jon advised that he initially could not get in to see Dr. Kaufman as she was not taking new patients, but thanks to assistance of Sergeant Luis Aponte, he was able to get an appointment with her, which medical records received from Dr. Kaufman show the first appointment being 9/12/2018. Jon did make mention that Dr. Kaufman also referred him to Dr. Rosengard.

Mr. Coffman asked Jon if the reason he was out on administrative leave was that he was being investigated on possible criminal activity, which ultimately led to him being indicted by a grand jury, to which Jon answered "yes."

Mr. Coffman referred to the doctor notes by Dr. Kaufman and the dates of those visits as it relates to the investigation that was going on. Mr. Coffman also discussed with Jon items surrounding his resignation and the reason for the resignation. Jon stated he wanted to return to work but Dr. Kaufman discussed with him that he needed to come to realization that he did not need to go back to work and he would likely not be able to go back to work. Jon advised he talked with his spouse about resigning as well, but it did not have to do with the indictment because all that has changed and it will play out in court. He stated it had nothing to do with PTSD. It has to do with anger and revenge for people that are dumping everything on him. He stated they are two separate issues. Jon advised he did not seek help from Dr. Kaufman because of a criminal investigation because he had nothing to worry about and it will all play out in court.

Jon stated this though does not help his anger issues or help him not wanting to have revenge on people that brought this upon him, but he has bigger issues to deal with and trust that this will play out and take place. He advised that the decision to submit paperwork to show something is wrong with him was not easy. He reiterated and made comments that in the profession of public safety they are made to feel you cannot show weakness amongst your peers.

Jon advised the Board again that he went to pick up the phone several times to reach out for help, but never placed that phone call through or left a message until the time in August 2018, which in his typed notes/letter he advised was August 1, 2018. He did not get the courage to do so until the ultimatum from his spouse. He stated he was thankful for Sergeant Aponte's help in getting Dr. Kaufman to accept him as a patient and how it has helped him.

Upon a motion, the Board recessed into Executive Session at **8:56 a.m.**

At **9:25 a.m.**, the Board reconvened in Open Session.

Board Member Norm Bacon asked Jon about the notes from Dr. Kaufman. Norm mentioned that the last note the Board had was dated 4/25/2019 (which was part of the records received and reviewed for the initial hearing on 6/17/2019). Norm asked Jon if he continued seeing Dr. Kaufman after that date and if so where copies of those records were. Jon mentioned that Dr. Kaufman is currently on no patient contact per her doctor and he was not sure where those records are. Jon stated that he continued seeing her, but stopped seeing her on a weekly basis. He advised she started to tail him off and he stated not all of the following appointments were appointments in her office; some of them were via phone calls. Jon stated sometimes Dr. Kaufman would call him. Jon said he spoke with her last week even though he stated earlier in the meeting Dr. Kaufman had told him there was to be no patient contact. Norm asked Jon the last time he saw Dr. Kaufman in person, which Jon stated it was in May and June, then no other visits since as advised she was out on medical leave for approximately six (6) months. Norm also asked Jon if he saw any other doctors after that timeframe. Jon advised that Peoria Police Officer Lisa Scott, who also serves as the department's peer support contact, gave him a referral. Jon later advised he did not follow through with the referral provided by Lisa Scott because he could not afford it.

Board Member Josh Champion asked Jon about the notes previously received from Dr. Rosengard where the last record received was from October 2018, but there was a note with a date of April 30th and asked if Jon continued to see Dr. Rosengard after October 2018. Jon advised he continued to see Dr. Rosengard up through March. He was on a three-week rotation with Dr. Rosengard compared to the initial weekly visits to Dr. Kaufman.

Board Member Mike Faith asked Officer Meck about the comment in his typed notes regarding asking for the EAP information from his chain of command on August 1, 2018. Jon advised he spoke with Lt. Greg Larson and Deputy Chief Benny Pina.

Board Chair, Mayor Carlat asked Jon what came of that question of EAP with command staff. Jon stated they handed him an EAP card and told him to go home. However, the

information on the card he was given was wrong and Jon advised he contacted HR Benefits Analyst, Kristen Venditte for the EAP information. Jon advised that Kristen provided him with the current EAP information and later he received a call from Lt. Chris Webb regarding the EAP program where he advised Jon the information he was initially provided from command staff was wrong and provided the same information Jon had received from HR (Kristen Venditte). Board Chair, Mayor Carlat also asked Jon if was able to contact the EAP provider and get something set up which, he advised yes. He stated he got an appointment with Dr. Kaufman, as she is part of that network, but that appointment didn't happen until September 12, 2018 (first available).

Board Chair, Mayor Carlat advised Jon that after the last finding (referring to the initial application denial at the 6/17/2019 board meeting) he asked for an extension to provide more information (referring to his request for rehearing). She advised that the Board did not receive any additional medical information, only an additional typed letter/notes and asked if he could explain that. Jon advised Dr. Kaufman is out on medical leave and has indicated she is to have no patient contact and he does not know when she will be back. Jon advised Dr. Kaufman has a partner that works out of the same office, but the partner has no access to the medical records and Dr. Kaufman does not have a secretary or office assistant. Mayor Carlat asked Jon if he was receiving ongoing treatment. He stated he is attending faith counseling and peer support with other first responders. Mayor Carlat asked what is different now than from the previous decision and stated there is no additional medical information/records for the board to review. He stated again that he is not able to get additional medical since Dr. Kaufman is out and there is no patient contact. He advised that they have been in contact a few times, but it has been brief, and mainly to check in and see how each other is doing.

Board Member Josh Champion asked about their last phone contact, which Jon advised, was last week where he contacted Dr. Kaufman by phone.

Board Chair, George Johnson asked Jon if he asked Dr. Kaufman for the records when he spoke with her last week, and he said he did, but her response is she cannot have any patient contact.

Board Member Josh Champion asked Jon if he thought he could get something from the peer support and/or the faith counseling such as a letter to confirm he's been attending those and Jon said he could ask.

Board Chair, Mayor Carlat asked the Board if they had any additional discussion or questions, which there was none. Mayor Carlat asked Jon if he had anything to add. Jon thanked the Board for their consideration and stated that this was not the way he was hoping to end his years of service.

Board Member Josh Champion made a motion to uphold the Board's prior ruling (from the 6/17/2019 board meeting) due to not receiving additional medical information/records between April 2019 and June 2019 from Dr. Kaufman. Board Member Josh stated that the Board also does not have medical records between October 2018 and March 2019 from Dr. Rosengard. It was noted that at this point, there is no information to show regular attendance for faith counseling and/or peer support. It was acknowledged that the applicant submitted additional information for the Board to

review, which was from the applicant himself (typed letter), but the Board did not have any additional new information from what was previously provided. The motion was made to uphold the original decision of denial for an accidental disability retirement submitted by Jon Meck.

Motion was seconded by George Johnson. Upon vote, the motion carried unanimously.

5. New Membership Application:

Kristen Venditte, Board Secretary, advised the Board of Kyle Hay's membership application to participate in the Public Safety Personnel Retirement System as a Tier 3 member effective August 26, 2019 with pre-existing conditions. *Special Note: Per PSPRS statutes, contributions to PSPRS will not start until the 91st day.*

Board Member George Johnson moved to accept Kyle Hay's new membership application. Motion seconded by Board Member Mike Faith. Upon vote, the motion carried unanimously.

6. New Membership Application:

Kristen Venditte, Board Secretary, advised the Board of Cody Smith's membership application to participate in the Public Safety Personnel Retirement System as a Tier 2 member effective August 26, 2019 with pre-existing condition(s).

Board Member Mike Faith moved to accept Cody Smith's new membership application. Motion seconded by Board Member Josh Champion. Upon vote, the motion carried unanimously.

7. Application to enter the Deferred Retirement Option Program (DROP):

Kristen Venditte, Board Secretary, advised the Board that David Vaught submitted his application to enter the Deferred Retirement Option Program (DROP) effective September 20, 2019.

Board Member Mike Faith moved to accept David Vaught's DROP retirement application. Motion seconded by Board Member Norm Bacon. Upon vote, the motion carried unanimously.

Adjournment:

Being no further business to come before the Board, the meeting was duly adjourned at 9:42 a.m.

Cathy Carlat, Mayor

Local Board Secretary