
MINUTES

Meeting of the Retirement Board of Trustees of the
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO
20 S. Clark Street, Suite 1400, Chicago, IL 60603

Regular Meeting No. 1053A
Friday, September 28, 2018
9:00 a.m.

Firemen’s Annuity and Benefit Fund of Chicago
Board Meeting No. 1053A
September 28, 2018, 9:00 a.m.
20 S. Clark Street, Suite 1400, Chicago IL 60603

Agenda

1. Roll Call
- A. Request from Members of the Public to Address the Board
2. Consideration for Approval of the Following Matters * **
 - A. Occupational Disease Disability
 - i. FF Alejandrino Diaz, Engine 769:00 a.m.
 - ii. Eng. Thaddeus Capjak, Engine 54.....11:15 a.m.
 - B. Duty Disability
 - i. FF Ramon Flores, Engine 1279:15 a.m.
 - ii. FF Frederick Mann Engine 799:45 a.m.
 - iii. PIC Daniel Kelly, Field Division South Relief Atty: Jerome Marconi.....DEFERRED
 - C. Denial of Ordinary Disability – Adoption of Findings of Fact
 - i. FF Benjamin C. Ware, Tower Ladder 5410:45 a.m.
 - D. Application for Handicapped Child Annuity Benefits
 - i. Michael Carrol Special Needs Trust by Angeline Carol, Trustee11:00 a.m.
3. Approval of Board Physician Reviews of Disability Recipients *

* Denotes Action Item

** Matters Discussed May Require Executive Session in Accordance with the Open Meetings Act.

1. ROLL CALL: President Daniel Fortuna, Trustees Thomas Cody, Erin Keane and Peter O'Sullivan.

TRUSTEES PRESENT AFTER ROLL CALL: Secretary Anthony Martin, and Trustee Richard Ford II.

TRUSTEES ABSENT: President Daniel Fortuna, Trustees Kurt Summers, Jr. and Anna Valencia

OTHERS PRESENT: Fund Attorneys Mary Pat Burns and Vincent Pinelli, Executive Director Steve Swanson and Deputy Director Lori Lund. Fund member Dan Sheehan and Local 2 representative Paul Stamper were in attendance to observe the proceedings.

A. REQUEST FROM MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD:

No public comment was requested by any members of the public

Without quorum being present the Trustees proceeded to review evidence and defer any vote until a quorum is present.

4. HEARINGS:

A. OCCUPATIONAL DISEASE DISABILITY APPLICATION:

The following application for occupational disease disability benefits was presented to the Board:

12938 THADDEUS CAPJAK, FIRE ENGINEER, ENGINE 54

Testimony was heard in the foregoing matter and no vote was taken.

The following application for occupational disease disability benefits was presented to the Board:

15790 ALEJANRINO DIAZ, FIREFIGHTER (PER ARBITRATORS AWARD) ENGINE 76

Testimony was heard in the foregoing matter and no vote was taken.

HEARINGS:

B. DUTY DISABILITY APPLICATION:

The following application for duty disability benefits was presented to the Board:

14352 RAMON A. FLORES, FIREFIGHTER, ENGINE 127

Trustee Martin entered the meeting, establishing quorum.

And witnessed in the office of the Fund, accompanied by staff accountant's letter as to amounts and all necessary records. After review of the relevant records by the Board and its Physician, a hearing having been held and after due deliberation, on motion by Martin, second by Valencia to grant duty disability benefits.

*By roll call vote **duty disability benefits were granted** pursuant to Illinois Compiled Statutes, 40 ILCS 5/6-151 and the express findings of the Board, in the amount of **\$6,311.63 a month beginning August 18, 2018.***

The vote was:

Yeas: Cody, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Ford, Summers

On motion by Martin, second by Cody to schedule a reexamination of Mr. Flores's disability status consistent with the Board's policy.

The vote was:

Yeas: Cody, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Ford, Summers

After review of the Findings of Fact prepared by Fund counsel, on motion by Martin, second by Cody to adopt the Findings in the Flores matter.

The vote was:

Yeas: Cody, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Ford, Summers

HEARINGS:

A. OCCUPATIONAL DISEASE DISABILITY APPLICATION:

The Board returned to the previous disability hearing on the application for Occupational Disease Disability benefits filed by Thaddeus Capjak.

12938 THADDEUS CAPJAK, FIRE ENGINEER, ENGINE 54

And witnessed in the office of the Fund, accompanied by staff accountant's letter as to amounts and all necessary records. After review of the relevant records by the Board and its Physician, a hearing having been held and after due deliberation, on motion by Cody, second by O'Sullivan to grant occupational disease disability benefits.

*By roll call vote **occupational disease disability benefits were granted** pursuant to Illinois Compiled Statutes, 40 ILCS 5/6-151.1 and the express findings of the Board, in the amount of **\$5,824.65 a month beginning July 19, 2018 paid to date of death on August 13, 2018.***

The vote was:

Yeas: Cody, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Ford, Summers

After review of the Findings of Fact prepared by Fund counsel, on motion by Martin, second by Keane to adopt the Findings in the Capjak matter.

The vote was:

Yeas: Cody, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Ford, Summers

Trustee Ford entered the meeting.

HEARINGS:

A. OCCUPATIONAL DISEASE DISABILITY APPLICATION:

The Board returned to the previous disability hearing on the application for Occupational Disease Disability benefits filed by Alejandro Diaz.

The Secretary presented the application for duty disability benefits made to and sworn by:

15790 ALEJANRINO DIAZ, FIREFIGHTER (PER ARBITRATORS AWARD) ENGINE 76

And witnessed in the office of the Fund, accompanied by staff accountant's letter as to amounts and all necessary records. After review of the relevant records by the Board and its Physician, a hearing having been held and after due deliberation, on motion by O'Sullivan, second by Valencia to grant occupational disease disability benefits.

*By roll call vote **occupational disease disability benefits were granted** pursuant to Illinois Compiled Statutes, 40 ILCS 5/6-151.1 and the express findings of the Board, in the amount of **\$5,473.00 a month beginning August 31, 2018.***

The vote was:

Yeas: Cody, Ford, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Summers

On motion by Martin, second by Keane to schedule a reexamination of Mr. Diaz's disability status consistent with the Board's policy.

The vote was:

Yeas: Cody, Ford, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Summers

After review of the Findings of Fact prepared by Fund counsel, on motion by Martin, second by Keane to adopt the Findings in the Diaz matter.

The vote was:

Yeas: Cody, Ford, Keane, Martin, O'Sullivan, Valencia

Nays: None

Not Present: Fortuna, Summers

Trustee Keane left the meeting.

HEARINGS:

D. APPLICATION FOR HANDICAPPED CHILD ANNUITY BENEFITS:

708375 MICHAEL CARROLL SPECIAL NEEDS TRUST BY ANGELINE CARROLL, TRUSTEE.

*On motion of Valencia, second by Ford Handicapped Child Annuity Benefits were granted in the foregoing matter in the amount of **\$841.55 per month beginning April 1, 2018.***

*The vote was:
Yeas: Cody, Ford, Martin, O'Sullivan, Valencia
Nays: None
Not Present: Keane, Fortuna, Summers*

C. DENIAL OF ORDINARY DISABILITY – ADOPTION OF FINDINGS OF FACT:

17197 BENJAMIN C. WARE, FIREFIGHTER, TOWER LADDER 54

On motion by Martin, second by Cody to allow Trustee Fortuna to participate by phone pursuant to Section 7 (a) of the Open Meetings Act. The vote was:

*The vote was:
Yeas: Cody, Ford, Fortuna, Martin, O'Sullivan
Nays: Valencia
Not Present: Keane, Summers*

After review of the Findings of Fact prepared by Fund counsel, on motion by Martin, second by Cody to adopt the Findings in the Ware matter.

*The vote was:
Yeas: Cody, Ford, Fortuna, Martin, O'Sullivan
Nays: Valencia
Not Present: Keane, Summers*

Fund President Fortuna having reviewed the Finding of Facts provided his vote via telephone due to his inability to be present.

3. APPROVAL OF BOARD PHYSICIAN REVIEWS OF DISABILITY RECIPIENTS:

On motion by Cody, second by O'Sullivan to approve the Board Physician's recommendations for Reexamination scheduling. The vote was:

*The vote was:
Yeas: Cody, Ford, Fortuna, Martin, O'Sullivan
Nays: Valencia
Not Present: Keane, Summers*

4. OLD BUSINESS/NEW BUSINESS:

There being no further business to discuss, on motion of Martin, second by Cody and by unanimous vote, the meeting was adjourned.

EXHIBIT 1

1. **ROLL CALL:**A. **REQUEST FROM MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD:**2. **HEARINGS:**A. **OCCUPATIONAL DISEASE DISABILITY APPLICATIONS:**

12938 THADDEUS CAPJAK, FIRE ENGINEER, ENGINE 54
Ent CFD: 07/16/1986 **\$5,824.65** beginning 07/19/2018

* Paid through date of death 8/13/2018

15790 ALEJANDRINO DIAZ, FIREFIGHTER (PER ARBITRATORS AWARD), ENGINE 76
Ent CFD: 06/01/2000 **\$5,473.00** beginning 08/31/2018

B. **DUTY DISABILITY APPLICATIONS:**

14352 RAMON A FLORES, FIREFIGHTER, ENGINE 127
Ent CFD: 10/01/1991 **\$6,311.63** beginning 08/18/2018
Witnesses: FF MICHAEL L TUMA, ENGINE 127
LT JAMES BRAGADO, ENGINE 86
EMT/FF MARK KOVACEVICH, TRUCK 26

13445 FREDERICK A MANN, FIREFIGHTER, ENGINE 79
Ent CFD: 08/03/1987 **\$6,311.63** beginning 08/03/2018
Witnesses: FF/PM JORDAN E MCDERMOTT, 2ND
DISTRICT RELIEF LT/PM KEVIN M O'MALLEY,
ENGINE 79

C. **DENIAL OF ORDINARY DISABILITY - ADOPTION OF FINDINGS OF FACT :**

17197 BENJAMIN C. WARE, TOWER LADDER 54

D. **APPLICATION FOR HANDICAPPED CHILD ANNUITY BENEFITS:**

708375 MICHAEL CARROLL SPECIAL NEEDS TRUST BY ANGELINE CARROLL, TRUSTEE
CHILD OF EDWARD J. CARROLL, RETIRED SINCE NOVEMBER 19, 1998
Ent CFD: 05/16/1962 \$841.55 beginning 03/31/2018
Deceased: 03/31/2018

3. **APPROVAL OF BOARD PHYSICIAN REVIEWS OF DISABILITY RECIPIENTS:**4. **NEW BUSINESS/OLD BUSINESS:**