

November 9, 1989

MINUTES
RETIREMENT HEARING COMMISSION
SPECIAL MEETING - NOVEMBER 9, 1989 - 1:30 P.M.

The Retirement Hearing Commission met in special session in Conference Room 103, 801 - 9th Street, on November 9, 1989 at 1:35 p.m.

Ms. Susan Davidson has been appointed as the City Manager's designated representative replacing Mr. James Sequeira.

PRESENT: Davidson, Henry, Hermocillo, Koutrouba, Mayberry, Stamper, White

ABSENT: None

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE REGARDING APPEAL OF DELIA VENDEIRO

RECOMMENDATION REJECTED

Mark Kruger, Attorney at Law, represented Delia Vendeiro, who was present. Richard Antoine, Deputy City Attorney, represented the Retirement System Manager. The Commission received copies of the exhibits submitted and transcript of the hearing held before the administrative law judge.

Mr. Kruger presented his final argument.

Mr. Antoine requested Commissioner Mayberry, fire representative, be disqualified from voting on this issue because of his active involvement on this case and it would be inappropriate for him to serve in a quasi-judicial capacity.

Mr. Mayberry asked William Carnazzo, Counsel to the Commission, if he needed to respond.

Mr. Carnazzo stated the Charter does specify that representatives from the fire and police association be members of the Commission. Given the duties of a union representative, the Charter contemplates some union involvement on issues that come before the Commission. Based on this, Mr. Carnazzo stated that from a legal standpoint there is no conflict and there is no need for Mr. Mayberry to respond.

November 9, 1989

Mr. Mayberry stated from a moral and an ethical standpoint there was no conflict with his discussions with Mrs. Vendeiro.

Mr. Antoine presented his final argument.

After discussion, Mr. Mayberry moved the Commission adjourn to executive session, with approval of the appellant. The motion was seconded by Mr. Stamper and was carried by the following vote:

AYES: Davidson, Henry, Hermocillo, Koutrouba, Mayberry, Stamper, White

NOES: None

The Commission reconvened. Mr. Mayberry moved to reject the decision and grant the reapplication by Mrs. Vendeiro for industrial death benefits. The motion was seconded by Mr. Hermocillo and was carried by the following vote:

AYES: Henry, Hermocillo, Koutrouba, Mayberry, White

NOES: Davidson, Stamper

Chairman White instructed Mr. Kruger to prepare an amended findings and fact and determination of issues to support the decision and submit it for William Carnazzo's review in time to be presented at the next regular meeting of the Commission. Mr. White stated the Commission found the appeal to be timely and that sufficient new medical evidence was submitted.

There being no further business the meeting was adjourned at 3:35 p.m. to meet again at the call of the chair.