



**CITY OF MESA, ARIZONA
ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL PENSION BOARD MEETING – FIRE/POLICE
JANUARY 18, 2024**

A meeting of the Public Safety Local Fire and Police Pension Boards of Mesa, Arizona, was held in Conference Room 170, 20 E. Main Street, 1st Floor, January 18, 2024 at 11:00 a.m.

MEMBERS PRESENT

Dee Ann Mickelsen, Chair
Chris Brady, City Manager
Kurt Castaneda (Fire)
Stephen Lentz (Police)
Ryan A. Russell (Police)
David Silides (Fire)

MEMBERS ABSENT

Jenny Sheppard (Citizen Member)

STAFF PRESENT

Holly Moseley, City Clerk
Vanessa Liristis, Sr. Program Asst.

OTHERS PRESENT

Steven Aguilar
Kathryn Baillie
Jack Cravens
Nicole Fazzio
Yolando Fierros
Melissa Green
Nitra Hawkins
Dave Hicks
Cynthia Kelley
Crystal Parks
Nate Peterson
Marie Reece
Tina Rogers
Danna Taylor (Applicant)

Chairperson Mickelsen excused Boardmember Sheppard from the meeting.

1. Approval of the minutes of the Public Safety Local Fire and Police Pension Boards meeting of December 21, 2023.

It was moved by Boardmember Russell, seconded by Boardmember Silides, that the minutes of the Public Safety Local Fire and Police Pension Boards meeting of December 21, 2023 be approved.

Upon tabulation of votes, it showed:

AYES - Castaneda-Lentz-Mickelsen-Russell-Silides
NAYS - None
ABSENT – Sheppard
ABSTAIN - Brady

Chairperson Mickelsen declared the motion carried unanimously by those present.

FIRE PENSION BOARD

2. Certification of full-time Firefighters pursuant to A.R.S. §§ 38-842.24(B), 38-842.27, 38-842.31 and 38-847(D)1.

Subsequent to a review of all medical reports, Local Boardmembers requested the record reflect that applicants Tatum Anderson, Keith Cittar, Brandon Frost, Chase Holloman, Joseph Hunt, Blake Poulin, Isaac Reed, Maxime Tamagno, and Isaiah Tapia have pre-existing medical conditions.

It was moved by Boardmember Castaneda, seconded by Boardmember Silides, that Firefighter applicants Tatum Anderson, Keith Cittar, Brandon Frost, Chase Holloman, Joseph Hunt, Blake Poulin, Isaac Reed, Maxime Tamagno, and Isaiah Tapia be certified subject to the pre-existing medical conditions as noted.

Upon tabulation of votes, it showed:

AYES – Brady-Castaneda-Mickelsen-Silides

NAYS - None

ABSENT - Sheppard

Chairperson Mickelsen declared the motion carried unanimously by those present.

(The Local Fire Pension Board recessed at 11:01 a.m. in order to convene an Executive Session and reconvened the meeting at 11:22 a.m.)

3. Discuss and take action on the Accidental Disability Retirement application of Firefighter Danna Taylor.

Chairperson Mickelsen welcomed Firefighter Danna Taylor and her attorney Kathryn Baillie to the meeting. She stated that the members of the Local Board have reviewed Ms. Taylor's new Accidental Disability Retirement application and all records provided to the Board, including Worker's Compensation records with statements from Dr. Douglas Freeberg and a letter from the Veterans of Foreign Wars Department of Arizona (VFW) stating that Ms. Taylor is not entitled to a veteran's disability pension. She asked Ms. Taylor if she was able to obtain any additional documentation and reminded her that the Board previously requested military records that state what specific injuries and/or conditions for which she is receiving military disability compensation. She advised that prior applicants provided such records to the Board and offered information to assist Ms. Taylor in requesting her records from the Department of Veteran's Affairs (VA), which she declined.

In response to Ms. Baillie's questions regarding the requested VA records, the Board explained the records are in the form of a letter on VA letterhead which includes a list stating the percentage of disability, type of disability, and diagnostic code of each. They offered to provide a redacted copy of a letter as an example to assist Ms. Baillie and Ms. Taylor in acquiring the correct document.

Ms. Baillie affirmed that she would like a redacted copy of a letter and thanked the Board for the offer.

Chairperson Mickelsen directed staff to provide a redacted copy of a VA letter of service-connected disability to Ms. Baillie. She encouraged the members to pose any additional questions they may have regarding Ms. Taylor's pending Accidental Disability Retirement application. She

stated that in view of the absence of further questions from the Board, she would entertain a motion relative to this case.

It was moved by Boardmember Castaneda, seconded by Boardmember Silides, that the Accidental Disability Retirement application of Firefighter Danna Taylor be continued until a VA letter of service-connected disability is provided to the Local Board.

Upon tabulation of votes, it showed:

AYES – Brady-Castaneda-Mickelsen-Silides

NAYS - None

ABSENT - Sheppard

Chairperson Mickelsen declared the motion carried unanimously by those present.

Without objection, the meeting of the Local Fire Pension Board adjourned at 11:39 a.m.

POLICE PENSION BOARD

(The Local Police Pension Board recessed at 11:23 a.m. in order to convene an Executive Session and reconvened the meeting at 11:31 a.m.)

4. Certification of full-time Law Enforcement Officers pursuant to A.R.S. §§ 38-842.24(A), 38-842.27, 38-842.31 and 38-847(D)1.

Subsequent to a review of all medical reports, Local Boardmembers requested the record reflect that applicants Jared Lonnengren, Zachary Nauman, Travis Parrish, Daniel Prestage, Erika Ramirez, and Austin Tellez have pre-existing medical conditions.

It was moved by Boardmember Lentz, seconded by Boardmember Russell, that Law Enforcement applicants Jared Lonnengren, Zachary Nauman, Travis Parrish, Daniel Prestage, Erika Ramirez, and Austin Tellez be certified subject to the pre-existing medical conditions as noted.

Upon tabulation of votes, it showed:

AYES – Brady-Lentz-Mickelsen-Russell

NAYS - None

ABSENT – Sheppard

Chairperson Mickelsen declared the motion carried unanimously by those present.

5. Discuss and take action on the rehire of retired PSPRS members Walter Landvatter and Lawrence O'Shaughnessy to Downtown Engagement Team Member.

Human Resources Administrator Tina Rogers stated that Walter Landvatter retired effective 4/01/2021 and Lawrence O'Shaughnessy retired effective 5/01/2019. Both recently competed in an open, competitive recruitment process for the part-time, non-benefitted, civilian, non-supervisory, non-PSPRS position of Downtown Engagement Team Member.

It was moved by Boardmember Russell, seconded by Boardmember Lentz, that the rehire of retired PSPRS members Walter Landvatter and Lawrence O'Shaughnessy as Downtown Engagement Team Members, with an effective date to be determined, be approved as within the statutory requirements and that no alternate contribution will need to be paid.

Upon tabulation of votes, it showed:

AYES - Brady-Lentz-Mickelsen-Russell
NAYS - None
ABSENT - Sheppard

Chairperson Mickelsen declared the motion carried unanimously by those present.

6. Discuss and take action on the Accidental Disability Retirement application of retired Police Lieutenant Kevin Gillis.

Chairperson Mickelsen advised the Local Board that Police Lieutenant Kevin Gillis is not in attendance.

Boardmember Russell stated that he spoke to Lieutenant Gillis on the phone to review his timeline and the results of the IME performed by Dr. Doug Clouse. He advised that Lieutenant Gillis decided to retire before the end of his period in DROP due to his physical condition. He was released to full duty after retirement and attempted to test with another agency to begin a new career in police work but was not able to meet the physical requirements due to his work-related injury with the Mesa Police Department. He added that he submitted an application for Accidental Disability within one-year of separation from the Mesa Police Department as required by statute. He stated that the IME report of Dr. Doug Clouse indicates that Lieutenant Gillis' condition was incurred in the performance of his duty, his condition totally and permanently prevents him from performing a reasonable range of duties within his job classification, no pre-existing conditions contributed to the claimed disability, and there were no conflicts in medical evidence.

Chairperson Mickelsen stated that in view of the absence of questions from the Board, she would entertain a motion relative to this case.

It was moved by Boardmember Lentz, seconded by Boardmember Russell, that the Accidental Disability Retirement application of retired Police Lieutenant Kevin Gillis be approved.

Upon tabulation of votes, it showed:

AYES - Brady-Lentz-Mickelsen-Russell
NAYS - None
ABSENT - Sheppard

Chairperson Mickelsen declared the motion carried unanimously by those present.

7. Discuss and clarify the previous approval of the Accidental Disability Retirement application of Police Officer Gregory McClellan at the request of the Public Safety Personnel Retirement System.

Chairperson Mickelsen advised the Local Board that Police Officer Gregory McClellan is not in attendance. She stated that the Local Board received a request from PSPRS to clarify some details regarding the previous approval of the Accidental Disability Retirement application of Police Officer Gregory McClellan. She read aloud the following points that PSPRS requested the Local Board address and encouraged the Boardmembers to discuss in detail for the record:

- When the Physical Condition IME (Form P5-LB-A) answered question #5 and commented about discovering pre-existing issues it was pointed out that the condition was pre-existing with family issues. The doctor does go on to note that work likely made the condition worse.
- Also, it was noted by the Physical Condition IME that there were pre-existing issues with family problems and the doctor does go on to note that “it is difficult to assess or truly determine whether this disability occurred while performing the duties of his job.”
- While the Physical Condition IME did answer question #4 Yes, there was no discussion as to how he reached the decision that the condition was incurred on duty. Especially after reading the Case Synopsis where the doctor mentioned that it was difficult to determine whether the disability occurred while on duty.
- The local board minutes do not indicate whether the Psychiatric IME was reviewed or discussed by the local board nor if the report was provided to the Physical Condition IME. Specifically, the board did not discuss the conflict between the two IME Reports that they requested be completed.

The Local Board discussed as follows:

In the physical IME Dr. Makarawo answered question #5 and pointed out that there was pre-existing stress related to family issues. The doctor noted that the burden of Officer McClellan's job exacerbated his symptoms to the point that they became unmanageable, rendering him unable to perform his duties. He noted that it is difficult to assess or truly determine whether this disability occurred while performing the duties of his job, but also indicated that it appears likely that the stress of the job initiated the symptoms that he developed qualifying him for extended disability. During the November 16, 2023 meeting, the Local Board resolved any conflict regarding there not being a 100% work-related cause due to what Dr. Makarawo called an overlap of personal/family-related stress and work-related stress. Dr. Makarawo clearly states that both family stress and work stress contributed and there is no way to differentiate between the two. He stated that the rigors of the position make Officer McClellan unable to perform his duties effectively. The Local Board's decision for approval in November was based on Dr. Makarawo's professional medical opinion, that the burden of the job exacerbated Officer McClellan's symptoms causing them to become unmanageable and rendering him unable to perform his duties.

During the September 21, 2023 meeting, the Local Board discussed the psychiatric IME and Boardmembers stated that while Dr. Kirkorsky's report was extensive, he was not able to answer all of the Local Board's questions. The Local Board noted that while Dr. Kirkorsky acknowledged Officer McClellan's medical records indicating complaints of and treatment for psychosocial stress and stated that psychosocial stressors are a known cause of his claimed physical condition, he determined that Officer McClellan does not suffer from the specific mental condition listed on his

application, therefore he was unable to determine a causal relationship to the physical condition listed on his application. Boardmembers also noted Dr. Kirkorsky's suggestion, that questions regarding the causation and exacerbation of Officer McClellan's physical condition are best addressed by a physician who specializes in that condition. The Local Board deemed the psychiatric IME to be inconclusive and decided to send Officer McClellan for a physical IME with Dr. Makarawo.

Boardmembers discussed that the physical IME indicated that the claimed mental condition caused the claimed physical condition, although the psychiatric IME determined that Officer McClellan does not suffer from the claimed mental condition. Boardmembers stated that they could understand why that would have caused PSPRS to question whether Dr. Makarawo received or reviewed Dr. Kirkorsky's IME. Staff advised the Local Board that Dr. Makarawo was contacted by email after receipt of the request from PSPRS for clarification and in his reply, Dr. Makarawo clarified and confirmed that he received and reviewed Dr. Kirkorsky's IME prior to forming his own independent opinion during the IME on Officer McClellan. In regard to any conflict between the two IMEs, Boardmembers agreed that there was no conflict between the two IMEs, because they addressed two specific issues that are individual to each other. Although Dr. Makarawo spoke of Officer McClellan's claimed mental condition in his IME as existing and Dr. Kirkorsky determined that Officer McClellan does not have the claimed mental health condition, Dr. Makarawo was not asked by the Local Board to determine if Officer McClellan suffers from the claimed mental health condition. Dr. Makarawo was asked to base his professional medical opinion on all records provided to him, including Officer McClellan's attending physicians, which support Officer McClellan's claimed mental health condition.

8. Adjournment.

Without objection, the meeting of the Local Police Pension Board adjourned at 11:52 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Local Police Pension Board meeting of Mesa, Arizona, held on the 18th day of January 2024. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK