MINUTES
RETIREMENT HEARING COMMISSION
SPECIAL MEETING - JULY 6, 1987 - 9:30 A.M.

The Retirement Hearing Commission met in special session in Conference Room 103, 801 - 9th Street, on July 6, 1987 at 9:50 a.m. Vice-chairman Joseph Russell presided.

PRESENT: Hermocillo, Mayberry, Russell, Sequeira, Stamper

ABSENT: Koutrouba, Smith

COMMISSION RESPONSIBILITIES AND DUTIES

Vice-chairman Russell requested that the Secretary prepare a training session regarding the Commissioners' responsibilities and duties.

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE REGARDING APPEAL OF RAYMOND TARRANT FOR INDUSTRIAL DISABILITY BENEFITS
DECISION UPHELD/APPEAL DENIED

K. William Curtis, Attorney at Law, represented Raymond Tarrant, who was not present. Samuel Jackson, Deputy City Attorney, represented the Retirement System Manager.

The Commission recessed to await the arrival of appellant, Mr. Tarrant, and Commissioner Koutrouba.

The Commission reconvened. Mr. Tarrant and Mr. Koutrouba were present.

The Commission received copies of the exhibits submitted and the transcript of the hearing held before the administrative law judge.

Mr. Curtis and Mr. Jackson presented final arguments and rebuttals and answered questions of the commission. During Mr. Curtis' final argument he cited two cases, Bowen and Gerule, which he indicated set causation standards. William Carnazzo, Counsel to the Commission, advised the Commission that there is no causation standard in state law or case law by

which the Commission is bound. The ultimate standard of causation is up to the Commission and their interpretation of the provisions of the Sacramento City Charter and City Code. The Bowen and Gerule cases can be used for guidance.

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

AYES: Hermocillo, Koutrouba, Mayberry, Russell, Sequeira, Stamper

NOES: None

The Commission reconvened. Mr. Sequeira moved to adopt the decision of the administrative law judge to deny Mr. Tarrant industrial disability retirement benefits. The motion was seconded by Mr. Stamper and carried by the following vote:

AYES: Hermocillo, Russell, Sequeira, Stamper

NOES: Koutrouba, Mayberry

Mr. Russell moved that paragraph three of the Findings and Facts be amended to delete the figure of 20 percent. The motion was seconded by Mr. Mayberry and was carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Russell, Sequeira, Stamper

NOES: None.

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE REGARDING APPEAL OF DANIEL WARE FOR INDUSTRIAL DISABILITY RETIREMENT BENEFITS
CONTINUED

K. William Curtis, Attorney at Law, represented Daniel Ware, who was present. Richard Antoine, Deputy City Attorney, represented the Retirement System Manager

The Commission received a motion, submitted by Mr. Curtis, to reject the proposed decision and remand to a new hearing officer.

The Commission discussed the motion and requested advice from

counsel on how to proceed. William Carnazzo, Counsel to the Commission, advised the Commission that under Sacramento City Code Section 34.1404 (c) the commission has to take action on the proposed motion before proceeding with the Daniel Ware case. He advised that a factual inquiry to determine the issues could be conducted by the Commission or by a hearing officer.

Mr. Hermocillo moved that the Commission conduct a factual hearing and develop a record on this matter. The motion was seconded by Mr. Sequeira and was carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Russell, Sequeira, Stamper

NOES: None

The Commission recessed to determine a date for the hearing.

The Commission reconvened. All parties agreed to the hearing date of July 16, 1987, at 9:00 a.m.

Mr. Russell requested counsel prepare a set of procedual guidelines for the conduct of the hearing.

Mr. Curtis requested that all witnesses to be called be identified for the record. Mr. Curtis identified the following persons: K. William Curtis; David P. Mastagni; Richard Chiurazzi; John Holstedt; Judge Behe; and, Richard Antoine. Mr. Antoine identified David Zarka and stated he may have impeachment or rebuttal witnesses that he would not disclose at this time.

With the approval of the Commission, Richard Snyder, Secretary to the Commission, volunteered to contact Judge Behe for availability to appear before the Commission.

With no objections from the Commission, Mr. Antoine requested permission to also contact Judge Behe.

There being no further business, the meeting was adjourned at 12:00 p.m. to meet again at the call of the chair.