

**CITY DAYTONA BEACH POLICE AND FIRE PENSION FUND
PENSION BOARD OF TRUSTEES
INFORMAL DISABILITY HEARING
City Hall, Council Chambers
301 S. Ridgewood Ave, Daytona Beach, FL 32115**

Monday, March 4, 2019, 8:30AM

TRUSTEES PRESENT: Mark Eisner
Michael Rowley
Gregg Gurdak

TRUSTEES ABSENT: Erin Masters

OTHERS PRESENT: Pedro Herrera, Sugarman & Susskind (Via Phone)
Aaron Shore, Applicant
Michael Clelland, Morgan & Morgan
Ferrell Jenne, Foster & Foster
Members of the Public

- I. **Call to Order/Roll Call/Determination of a Quorum** - Mark Eisner called the meeting to order at 8:33am.
- II. **Public Comment** - None
- III. **Chairman's Comments** - None
- IV. **New Business**
 - A. Aaron Shore, Informal Disability Hearing
 - i. Pedro Herrera commented Aaron Shore had the right to wait for a full board to be present for the informal disability hearing. Michael Clelland commented they would waive the right for a full board being present and wished to proceed.
 - ii. Pedro Herrera briefly reviewed the informal disability hearing process. Pedro commented Aaron Shore had applied for an In-Line-of-Duty (ILOD) disability. Pedro stated medical records had been collected, along with the disability application, a job description, the plan document, and an independent medical exam (IME) from the board's physician.
 - iii. Pedro Herrera reviewed the issues before the trustees. Pedro commented if the board could answer all five questions in the affirmative, then the ILOD disability should be granted. Pedro requested Michael Clelland tailor his comments toward the five questions the board of trustees would need to answer.
 - iv. Pedro Herrera reviewed the ability the member had to appeal the decision if the claim was denied. A formal hearing would follow the appeal and the board would need to hire special counsel.
 - v. Michael Clelland confirmed the member had been terminated for medical reasons. Pedro Herrera commented if there was a medical termination, then the total disability had been established. Pedro commented the board would need to decide if the disability was ILOD and if it was permanent.
 - vi. Pedro Herrera reviewed the disability presumption list under Florida Statutes. Pedro commented that if there was a pre-existing condition, then the presumption could be refuted.
 - vii. Michael Clelland reviewed Aaron Shore's hypertension event and the medicine that he had to take as a result. Due to the beta-blocker that Aaron Shore had to take, he was not able to continue his employment as a firefighter.

The board found the disability of Aaron Shore to be total and permanent, upon motion by Michael Rowley and second by Gregg Gurdak; motion carried 3-0.

The board approved the ILOD disability of Aaron Shore, upon motion by Gregg Gurdak and second by Michael Rowley; motion carried 3-0.

viii. The board briefly discussed the beta blockers, and why this medication prohibited firefighters' ability to continue their service.

B. Glancy, Prongay, & Murray, Securities Litigation

i. Mark Eisner commented the firm was analyzing price fixing for drug companies. Mark commented he would like to bring them on board as one of the plan's securities litigation firms.

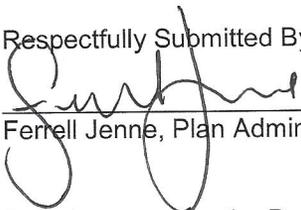
The board approved hiring Glancy, Prongay, & Murray as one of the securities litigation firms, upon motion by Michael Rowley and second by Gregg Gurdak; motion carried 3-0.

C. Pedro Herrera briefly reviewed pre-filed bills. Pedro commented that a bill had been filed to add different types of cancer to the presumption list for firefighters. The board briefly discussed bills affecting FRS.

V. **Adjournment** - The meeting adjourned at 9:05am

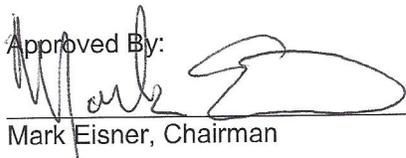
VI. **Next Meeting** – Quarterly Meeting, May 6, 2019, at 8:30am

Respectfully Submitted By:



Ferrell Jenne, Plan Administrator

Approved By:



Mark Eisner, Chairman

Date Approved by the Pension Board:

MAY 6, 2019