

**CITY OF PORT ORANGE
POLICE OFFICERS' PENSION BOARD
MARCH 29, 2018**

The Port Orange Police Officers' Pension Board of Trustees met in special session on Thursday, March 29, 2018 in the Police Department Training Room, 4545 Clyde Morris Boulevard, Port Orange, Florida.

MEMBERS PRESENT: Chairman Steve Braddock (police member)
Secretary William Proctor (police member)
Warren Carman (fifth member)
Drew Bastian (resident member)
Brian Cobb (resident member)

CONSULTANTS: Karan Rounsavall, Plan Administrator
Ken Harrison, Attorney (Sugarman & Suskind)*

STAFF: Grace Stewart, Rick Manager

* Attorney Harrison participated in the meeting via telephone conference call.

Officer David Vastell was also in attendance.

Chairman Braddock called the meeting to order at 3:00 p.m. A quorum was in attendance.

The purpose of the meeting was to conduct an informal hearing on the application for a service-related/line-of-duty disability retirement submitted by Officer David Vastell and to render a determination as to eligibility for disability benefits.

Board members were in receipt of Officer Vastell's application for service-related disability retirement, police officer job description, all medical records for Officer Vastell related to injuries incurred in the line of duty, and the March 2, 2018 report of an independent medical exam (IME). These documents were provided to trustees electronically on March 19, 2018 to allow adequate time for review, etc.

Attorney Harrison reviewed the plan document (Section 54-128) relating to disability benefits and the Board's responsibility in making such a determination. The most significant record was the IME report by Amy Clunn, M.D. of SIMED Rehabilitation Medicine. Following Officer Vastell's physical examination, the physician was asked to answer five key questions related to his disability, to-wit:

1. Did Officer Vastell suffer an illness or injury? *Yes*
2. If Officer Vastell suffered an illness or injury, was it suffered in the line of duty (i.e. directly caused by the performance of his duties as a police officer for the City of Port Orange)? *Yes/line of duty; no other causes identified.*
3. Does the illness or injury cause Officer Vastell any disability? If so, what is the nature and extent of the disability? *Yes. Disability: disabled from pulling or grasping firmly or reliably with right upper limb any tools, equipment/beings. Has*

sensory impairment right hand – permanent. Disabled from repetitive running and squatting.

4. If Officer Vastell is suffering from a disability, is that disability permanent or is there a reasonable likelihood that the condition can be improved through treatment? Has Officer Vastell reached maximum medical improvement (MMI)? *Applicant has reached MMI. The disability is permanent, no likely treatment to reverse the process or to improve functionally with further treatment.*
5. Is Officer Vastell totally and permanently disabled from performing the duties of a police officer? *According to job description of Port Orange police officer, he is disabled permanently from that specific duty.*

Based on the medical records and IME, it was apparent that Officer Vastell met all criteria for granting a service-related disability retirement. Attorney Harrison advised how a service-connected disability benefit was calculated. The plan document provided that *"the monthly service-connected disability benefit shall be the participant's accrued retirement benefit or 51 percent of the participant's average monthly compensation at the time of disability, whichever is greater..."*

Member Bastian moved to approve a service-related disability retirement for Officer David Vastell based on the evidence presented. Member Carman seconded the motion and it carried unanimously.

Member Carman then moved to establish April 1, 2018 as the date of disability (as requested by Officer Vastell). Member Cobb seconded the motion and it carried on an all yes vote.

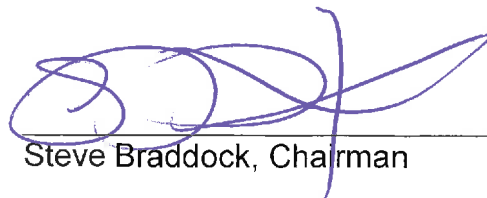
Plan Administrator Rounsavall would collect the necessary salary information and request the actuary to provide the monthly benefit calculations. Officer Vastell would receive a retroactive benefit payment for April and May (pending receipt of calculations and finalization of retirement paperwork). Attorney Harrison advised that service-related disability benefits were exempt from federal income taxes up to the 51 percent of average monthly compensation calculation (i.e. minimum benefit). Should the applicant's accrued benefit exceed the 51 percent calculation, the difference was subject to taxation.

Plan Administrator Rounsavall reminded trustees to delete Officer Vastell's medical records file from their computers. A permanent copy of same would be permanently maintained by the pension plan and Port Orange Human Resources Department.


Trustees of the Port Orange Police Officers' Pension Board thanked Officer Vastell for his many years of dedicated and loyal service to the police department.

PUBLIC COMMENT - None

The meeting adjourned at 3:14 p.m.



Steve Braddock, Chairman



Karan Rounsavall, Plan Administrator