

# **NEW ORLEANS FIREFIGHTERS' PENSION AND RELIEF FUND**

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**Martin Gaal**  
**Board President**

**Thomas F. Meagher, III**  
**Secretary-Treasurer**

**SUBJECT:**

**Board of Trustees Regular Meeting  
Firefighters' Pension & Relief Fund**

**TIME, DATE AND PLACE:**

**May 9, 2018**  
**3520 General DeGaulle**  
**Suite 3001**  
**New Orleans, Louisiana 70130**

**The following members of the Board of Trustees were present: Martin Gaal, Thomas Meagher, Angelo Marchese, Tim McConnell, Derrick Muse and Nick Lavene. Beverly Gariepy was absent.**

**Also present**

**Pam Meyer**

**Louis Robein, Board Attorney**

**Christina Carroll, Board attorney**

**Jay Bilas, firefighter**

**Kenny Prevost, retired firefighter**

**Chad Brown, Deputy Director of Finance**

**Paul Mitchell**

**Gary Seville, retired firefighter**

**Brandon Cursack, active firefighter**

**A quorum being present, Board President Martin Gaal called the meeting to order at 10:11 a.m.**

## **COMMUNICATIONS**

None

## **REVIEW AND ACCEPT MINUTES**

**MOTION: Moved by Meagher and seconded by Marchese to approve the April 2018 Regular Board minutes with corrections.**

Motion passed.

**NO OBJECTIONS**

### **REFUND OF CONTRIBUTIONS**

Dennis Lazzari is eligible for a refund of contributions. He resigned with less than 12 years of service.

**MOTION: Moved by Meagher and seconded by Gaal to approve the refund of contributions for Mr. Lazzari.**

Motion passed.

**NO OBJECTIONS**

### **CHANGE OF BENEFICIARY**

David Leonard, Christopher Collongues and Antoine Temple have updated beneficiary forms.

**MOTION: Moved by Meagher and seconded by Lavene to go into executive session to discuss medical records related to disability applications.**

Motion passed.

**NO OBJECTIONS**

**MOTION: Moved by Meagher and seconded by Lavene to come out of executive session**

Motion passed.

**NO OBJECTIONS**

### **R.S. 11:3376 DISABILITY APPLICATIONS**

**Duaine P. Daniels:** a new Fund Fire Captain, age 54 with 15 years of service is applying for a 50% Service Connected Disability Pension effective May 3, 2018.

**MOTION: Moved by Meager and seconded by Lavene to deny the 50% service connected disability and to approve the alternative benefit election as per R.S.11:3376F(2) which provides for benefits to be calculated at 2 ½% for the first twelve years of service and all years of service until the member has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If the member has beyond 30 years of service the retirement benefit for each year or portion of a year shall be 3 1/3%.**

Motion passed.

**NO OBJECTIONS**

**DROP WITHDRAWAL**

None

**REGULAR RETIREMENT APPLICANTS:**

None

**DROP APPLICATIONS**

None

**REPORTS OF DEATHS**

**Pensioners:**

**Lester F. Cureau:** Mr. Cureau died on April 21, 2018 at the age of 87 leaving a widow and no minor children. He entered the department on April 29, 1957 and retired on October 2, 1977 after 20 years of service. He spent 40 years on pension.

**Gerald M. Leone:** Mr. Leone died on April 27, 2018 at the age of 87 leaving a widow and no minor children. He entered the department on August 3, 1965 and retired on August 15, 2002 after 37 years of service. He spent 15 years on pension.

**Widows:**

None

**MOTION:** Moved by Gaal and seconded by Marchese to remove the above noted deceased members from the pension rolls.

Motion passed.

**NO OBJECTIONS**

**WIDOW'S APPLICATIONS**

**Mrs. Dora Sylvia:** is applying for a Non-f Duty Widow's benefit effective April 1, 2017.

**MOTION:** Moved by Meagher and seconded by Marchese to approve a Non Duty widow's benefit effective April 1, 2018 for Mrs. Sylvia.

Motion passed.

**NO OBJECTIONS**

**Mrs. Shirley Donovan** is applying for a Non Duty Widow's benefit effective April 1, 2018.

**MOTION:** Moved by Meagher and seconded by Marchese to approve the Non Duty widow's benefit effective April 1, 2017 for Mrs. Donovan.

Motion passed.

**NO OBJECTIONS**

### **APPLICATIONS PENDING**

**Mrs. W. Wayne Kerth** has requested additional time to prepare her appeal in support of her Line of Duty widow's benefit.

**Mrs. Johnny Leos** : Her attorney has forwarded a request for appeal hearing.

**Mrs. Terrence Gilbert**: Is requesting additional time to gather medical information to support her appeal.

**Mrs. Paul Huff** is requesting an appeal of the Board's decision.

### **FINANCIAL INFORMATION**

Board members were provided with key financial revenue and disbursement figures for the New and Old system for January and April 2018.

### **OLD BUSINESS:**

**SEB payment history request:** No update.

**Information for life insurance:** No update

### **NEW BUSINESS:**

None

### **LEGAL:**

Mr. Robein led the discussion on the following:

- The appeal to the alternative interpretation was filed during April. Oral arguments were held on September 12, 2017. The 2-1 decision to overturn was referred to a five member

panel and argued on December 7, 2017. The five member panel ruled that 30 year retirees are entitled to benefits calculated at 3 1/3% for each year of service up to 100% of salary. The appeal period has lapsed, so the 4<sup>th</sup> Circuit decision is binding. The Fund should prepare adjustments to the affected members.

- The Lakewood matter will reschedule May depositions to August..
- There has been no action in the Mischler litigation matter.
- The mandamus matter has not been closed by the City. No action on this matter.

**MOTION: Moved by Meagher and seconded by Gaal to go into executive session to discuss legal matters.**

**Motion passed.**

**NO OBJECTIONS**

**MOTION: Moved by Meagher and seconded by Lavene to come out of executive session**

**Motion passed.**

**NO OBJECTIONS**

### **ADJOURNMENT**

There being no further business the meeting adjourned.

### **TIMELY FILING OF APPLICATIONS:**

**All Members applying for retirement, DROP or PLOP must do so 45 days in advance of the scheduled retirement date. All medical documentation for disability applications must be in the administrative office 45 days prior to the scheduled retirement date. Failure to comply with the Fund's rules will cause a delay in the Board taking action and will probably force an extension beyond the member's desired retirement date.**

**The administrative office will continue to process all paperwork in a friendly, orderly, and timely fashion. We thank all applying members for their continued cooperation. This will enable the Administrative Office and the Board of Trustees to perform their jobs more efficiently.**

**Members who have recently changed their address or marital status and have not updated their beneficiary form should do so. Please contact the Pension Office during the hours of 10:00 am to 2:00 pm for beneficiary verifications. Your cooperation is appreciated.**

**APPROVED BY;** Thomas F. Meagher II **Date;** 6/13/18