

## **SUNRISE POLICE OFFICERS' RETIREMENT BOARD**

10440 West Oakland Park Blvd.

Sunrise, FL 33351

August 26, 2016

10:00 A.M.

### **Call to Order**

On behalf of the Board, Mr. Dave Williams called the meeting to order at 10:07 A.M.

### **Public Discussion**

None

### **Roll Call**

Present were Mr. Michael West – Chairman, Mr. William Bettencourt – Secretary, Mr. Eric Goldstein, Mr. Dan Ransone and Mr. Roger Torres.

### **Absent & Excused**

None

### **Others Present**

Mr. Ron Cohen & Mrs. Richelle Levy – Rice Pugatch Robinson Storfer & Cohen, PLLC; Ms. Bonni Jensen – Klausner Kaufman Jensen & Levinson; Mr. Eliran Vidal & Mrs. Stacey Vidal; Mr. Daniel Rakofsky – The Law Offices of Daniel Rakofsky, P.A. - Attorney for Mr. Vidal; Ms. Terri Clark & Ms. Gabriela Jadan – The Law Offices of Daniel Rakofsky, P.A.; Mr. Jeffrey Rakofsky; Major Anthony Rosa, Sergeant Brian Stewart, Chief John Brooks – City of Sunrise and Ms. Suarez, Court Reporter. Mr. Dave Williams - Plan Administrator, Mrs. Patty Ostrander - Recording Secretary also present.

### **Disability Hearing Continued**

Mr. Cohen started by reminding the Board that they found Mr. Vidal to be totally and permanently disabled at a past meeting. The Board also found that the disability is not service related and therefore he is not entitled to a disability payment due to military exception. Mr. Vidal appealed both issues which leads us to today's hearing.

After hearing from witnesses, and all the legal representatives and having a deliberation by the Board, the following votes took place:

Has Mr. Vidal met his burden of proof that his disability was not sustained while serving in the armed forces:

Mr. West – Yes, Mr. Bettencourt – Yes, Mr. Goldstein – No, Mr. Ransone – Yes and Mr. Torres – Yes. Motion Carried: 5-0.

Is Mr. Vidal's disability non-service incurred?

Mr. West – Yes, Mr. Bettencourt – No, Mr. Goldstein – Yes, Mr. Ransone – No and Mr. Torres – No. Motion Failed: 3-2.

Is Mr. Vidal's disability service incurred?

Mr. West – No, Mr. Bettencourt – Yes, Mr. Goldstein – No, Mr. Ransone – Yes and Mr. Torres – Yes. Motion Carried: 3-2.

Motion for his disability to be retroactive to the last date of pay from the City of Sunrise by Mr. Ransone, seconded by Mr. West. Motion passed 5-0.

A full copy of the verbatim transcript of the hearing is attached.

**Open Board Discussion**

None

**Adjournment**

Motion to adjourn at 6:16 P.M. by Mr. Ransone, seconded by Mr. Torres. Carried 5-0.