

SUNRISE POLICE OFFICERS' RETIREMENT PLAN

13790 N.W. 4th Street, Suite 105

Sunrise, FL 33325

July 29, 2021

11:00 A.M.

Call to Order

On behalf of the Board, Mr. Mike West called the special meeting to order at 11:00 A.M.

Public Discussion

None

Roll Call

Present were Mr. Michael West – Chairman; Mr. William Bettencourt – Secretary; Mr. Lou Berman; Mr. Eric Goldstein and Mr. Keven Sweat - Trustees.

Absent & Excused

None

Others Present

Mrs. Richelle Levy – Lorium Law.; Ms. Marcella Bouchard – Counsel for Mr. David Lowenstein (left at 11:35 A.M.); Mr. David Lowenstein – City of Sunrise (left at 11:35 A.M.); Ms. Nicole Ward – Court Reporter (left at 11:35 A.M.); Mr. Dave Williams – Plan Administrator and Mrs. Patty Ostrander – Recording Secretary.

Actuarial Valuation Report

Motion to approve the Actuarial Valuation report by M. Berman, seconded by Mr. Goldstein. Motion carried 5-0.

Motion to confirm the rate of return of 7.25% is reasonable going forward by Mr. Bettencourt, seconded by Mr. Goldstein. Motion carried 5-0.

Informal Disability Hearing – David Lowenstein

Mrs. Levy opened the meeting by outlining the procedures in place for an initial hearing in a disability matter and the duty of the Trustees. The Trustee decision is to be based on the pension file and they may hear from the Applicant or his representative. Mrs. Levy reviewed the ordinance sections and Florida Statutes that are applicable to this claim

Mr. West stated that he reviewed everything and stated that this is not a case of a wrist or shoulder but that it is still something happened while on duty because of being in the field. Mr. West expressed that Mr. Lowenstein wants to continue working but that the Department cannot put him back in the field in the condition that he is in and expect 100% performance. All trustees stated that they reviewed the medical records.

Mrs. Levy read the following questions and the trustees voted on an individual basis:

1. Was the member's application filed proper and timely?
Mr. West – Yes, Mr. Bettencourt – Yes, Mr. Berman – Yes, Mr. Goldstein Yes and Mr. Sweat – Yes.
2. Is the member totally disabled, that is physically incapable of performing his duties as a police officer?
Mr. West – Yes, Mr. Bettencourt – Yes, Mr. Berman – Yes, Mr. Goldstein Yes and Mr. Sweat – Yes.

3. If yes, is the member permanently disabled, that is not likely to recover from his disabling condition? Mr. West – Yes, Mr. Bettencourt – Yes, Mr. Berman – Yes, Mr. Goldstein Yes and Mr. Sweat – Yes.

4. If found to be totally and permanently disabled, was the disability a result of any of the following disqualifiers:
 1. Excessive and habitual use of drugs, intoxicants or narcotics
Mr. West – No, Mr. Bettencourt – No, Mr. Berman – No, Mr. Goldstein – No and Mr. Sweat – No.
 2. Injury or disease sustained while illegally participating in fights, riots, civil insurrections or while committing a crime
Mr. West – No, Mr. Bettencourt – No, Mr. Berman – No, Mr. Goldstein – No and Mr. Sweat – No.
 3. Injury or disease sustained while a member of the armed forces
Mr. West – No, Mr. Bettencourt – No, Mr. Berman – No, Mr. Goldstein – No and Mr. Sweat – No.
 4. Injury or disease sustained by the member after his employment with the city has terminated
Mr. West – No, Mr. Bettencourt – No, Mr. Berman – No, Mr. Goldstein – No and Mr. Sweat – No.
 5. Injury or disease sustained while working for anyone other than the city, performing a job function the same as or related to the member's city job function and arising out of the scope of that employment; this does not exclude recovery by a police officer while engaged or enforcing the laws of the state
Mr. West – No, Mr. Bettencourt – No, Mr. Berman – No, Mr. Goldstein – No and Mr. Sweat – No.

5. Is the disability a service incurred disability?

Any condition or impairment of health of any law enforcement officer, caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such law enforcement officer must have successfully passed a physical examination upon entering any such service as a firefighter or law enforcement officer, which examination failed to reveal any evidence of any such condition.

Mr. West – Yes, Mr. Bettencourt – Yes, Mr. Goldstein – Yes and Mr. Sweat – Yes.

6. If found to be totally and permanently disabled, the Board must establish a date of disability: this may be the date of the injury causing the disability or the date when the member can no longer perform his regular and continuous duties, if the date if injury cannot be determined. Mrs. Levy stated that the member can begin disability upon resignation.

7. Is there a position for the member?

The Chief has stated that there is no position available.

Motion to approve an in-service disability for Mr. David Lowenstein by Mr. Eric Goldstein, seconded by Mr. Lou Berman. Motion carried 5-0.

Mrs. Levy will prepare an Order of Initial hearing for Mr. West to sign and then the document will be sent to Mr. Lowenstein's counsel.

Open Board Discussion

Mr. West stated that he would like to update the Board website and make it more user friendly to include members being able to update their information by themselves. Motion to hire a consultant to re-design the website and investigate the possibility of adding functionality by Mr. Goldstein, seconded by Mr. West. Motion carried 4-1. The Board directed Mr. Williams to speak with our website consultant.

Adjournment

Motion to adjourn at 11:51 A.M. by Mr. Goldstein, seconded by Mr. Bettencourt. Motion passed 5-0.