

SUNRISE POLICE OFFICERS' RETIREMENT PLAN

13790 N.W. 4th Street, Suite 105

Sunrise, FL 33325

January 09, 2023

10:00 A.M.

Call to Order

On behalf of the Board, Mr. Michael West called the special meeting to order at 10:05 A.M.

Public Discussion

None

Roll Call

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

Absent & Excused

None

Others Present

Mrs. Richelle Levy – Lorium Law.; Mr. Milton Plante – City of Sunrise; Mr. Chris Plante and Mr. Rob Plante; Mr. Dave Williams – Plan Administrator and Mrs. Patty Ostrander – Recording Secretary.

Approval of Minutes

Motion to approve the minutes of November 14, 2022 by Mr. Berman, seconded by Mr. Goldstein. Motion carried 5-0.

Approval of Payables

After review and consideration of the payables of November 14, 2022 to January 09, 2023, a motion to approve was made by Mr. Bettencourt, seconded by Mr. West. Carried 5-0.

Informal Disability Hearing – Milton Plante

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. Mrs. Levy stated that the member's application for an in-service disability pension was filed in a timely manner and contains a physician report which states that he is physically incapable of performing his duties as a police officer and not likely to recover from this disabling condition. The Board reviewed the pension file, which contains Mr. Plante's medical records, the Board's IME and workers compensation records. After lengthy discussion by the Board and allowing the member to make a statement.

Ms. Levy stated that there is a memo from the Chief of Police indicating that Mr. Plante is currently on light duty due to his disabling condition, that light duty is no longer available, and Mr. Plante is being terminated due to his disabling condition rendering him unable to perform the duties of a police officer. The Board is required by caselaw to consider him totally disabled. They are still tasked with determination whether he is permanently disabled and if so whether his disability meets the criteria for an in-service disability pension.

After lengthy discussion and review of the pension file, Mr. Bettencourt made a motion that the member is permanently disabled and not likely to recover from his disabling condition, seconded by Mr. West. Motion passed 5-0.

Ms. Levy then outlined the exceptions listed in the ordinance and state statute: 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.
2. Injury or disease sustained while illegally participating in fights, riots, civil insurrections or while committing a crime.
3. Injury or disease sustained while a member of the armed forces.
4. Injury or disease sustained by the member after his employment with the city has terminated.
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. Berman made a motion that none of the exclusions apply in this matter, seconded by Mr. Goldstein, Motion passed 5-0.

Motion to approve an in-service disability for Mr. Plante by Mr. Goldstein, seconded by Mr. Berman. Motion carried 5-0 with the date of disability being the last day in which he receives pay for service to the city of Sunrise.

Mrs. Levy will prepare an Order for this Initial Hearing for Mr. West to sign and then the document will be sent to Mr. Plante.

Open Board Discussion

No open discussion ensued.

Adjournment

Motion to adjourn at 10:45 A.M. by Mr. Goldstein, seconded by Mr. Berman. Motion passed 5-0.