

PUBLIC MEETING MINUTES FOR CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD ARIZONA DEPARTMENT OF CORRECTIONS



June 1, 2023



A public meeting of the Corrections Officer Retirement Plan Local Board for the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR) was convened **Thursday, June 1, 2023, at 10:00 a.m.** at the **Arizona Department of Corrections, 1831 West Jefferson, Phoenix, Arizona, 85007**, in the Training Room, on the 2nd floor.

The Board may discuss/vote on items at any time, the Board may enter into Executive Session pursuant to A.R.S. § 38-431.03 (A) (2) to obtain legal advice and pursuant to A.R.S. § 38-431.03 (A) (3) to discuss details of a confidential nature.

Present at the meeting were the following individuals:

Mario Chavez, Board Chairman	Judy Frigo, Board Member (Conferenced in)
Lori Stickley, Board Member	Sean Malone, Board Member
Kyle Cummings, Assistant Attorney General	Karen Ray, Board Secretary, Retirement Specialist
Sandra Moreno, Board Secretary, Retirement Specialist	
Guests	
Kelly Smith (Conferenced in)	Connie Collins
Alexandra Benlein	

I. CALL TO ORDER – CORP Local Board Meeting called to order by Mario Chavez at 10:00 a.m.

ROLL CALL TAKEN

1. The individuals listed in the above table were present.

II. APPROVAL OF MINUTES

1. Approval of Public Meeting Minutes for May 4, 2023.
2. Approval of Executive Session Minutes for May 4, 2023.

MOTION 06-01-01	
Motion:	Approval of May 4, 2023, Public Meeting Minutes and Approval of May 4, 2023, Executive Session Minutes.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	

In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – aye
Motion:	Passed

III. REQUEST TO REMAIN IN ASRS/CORP:

The following applications have been filed and are presented for Local Board consideration:

1. **Richard Evitch** is requesting to remain in ASRS; he has 26 years of service. He accepted a CORP position as an Assistant Director, effective May 13, 2023.

MOTION 06-01-02	
Motion:	Approval of request by Richard Evitch to remain in ASRS.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	
In Favor:	Frigo – aye, Chavez – aye, Stickley – aye, Malone – aye
Motion:	Passed

IV. DISABILITY RETIREMENTS:

The following disability retirement application matters have been filed and are presented for Local Board consideration:

1. **Kanday Matzdorff:** Review of IME doctor’s clarification letter regarding his statements in the IME, and direction on scheduling of Ordinary Disability Pension rehearing requested by PSPRS.

Assistant Attorney General Cummings (“AAG Cummings”) explained to the Board that because the Board voted at the last meeting to have a letter seeking clarification sent to the IME doctor, this item was placed on today’s Agenda in case the Board had anything to discuss or questions to ask regarding the IME doctor’s response. AAG Cummings further stated that if there were no questions or discussion, then this matter could simply follow the standard procedure of a rehearing being set.

Chairman Chavez asked whether a new letter had been sent for the Board’s review.

Board Secretary Moreno stated that the letter was in the Board’s meeting book.

Board Member Frigo moved to approve Kanday Matzdorff’s request for a disability pension, based on Dr. John Klein’s letter that states Ms. Matzdorff is totally and permanently prevented from being able to function as a correctional officer.

AAG Cummings stated that this matter was not yet at that stage; that at the Board’s last meeting there had been a vote to send a clarification letter to the IME doctor, that notice had not yet been sent out for a rehearing, and that the rehearing would be at the next Board meeting. AAG Cummings

further stated that this item was on the Agenda in case the Board needed to discuss anything about that item.

Chairman Chavez asked whether a vote on the Kanday Matzdorff matter will be at the next meeting.

AAG Cummings stated “yes.”

Board Member Frigo noted that the only question which had been asked was whether the symptoms started before Kanday Matzdorff’s membership date and, that the IME doctor very clearly said that the symptoms started roughly in 2009 and Ms. Matzdorff’s CORP membership was in 2005.

Board Member Frigo then asked why the Board needed to wait until the next meeting to vote on Ms. Matzdorff’s disability pension application, and also noted that Ms. Matzdorff is clearly eligible.

AAG Cummings stated that waiting until the next meeting is to ensure that Ms. Matzdorff has at least 30 days’ notice of the rehearing. AAG Cummings further noted that notice had not been sent to Ms. Matzdorff yet, and that Ms. Matzdorff needs a chance to attend, present evidence, and speak.

Board Member Frigo confirmed her understanding.

2. **Connie Collins:** Review of IME doctor’s clarification letter regarding his statements in the IME, and continuation of the May 4, 2023, rehearing on the December 1, 2022, denial of Ordinary Disability Pension (rehearing requested by Connie Collins).

Board Member Frigo stated that she was ready to make a motion, and asked if anyone had anything they wanted to discuss.

Connie Collins asked to speak.

Ms. Collins noted that the Board’s letter requesting clarification had asked for clarification regarding inaccuracies, and that the doctor’s clarification letter contained inaccuracies. Ms. Collins further stated that the IME doctor’s letter discussed her reasonable range of duties as a correctional officer, but she had not been a correctional officer for over 12 years. Ms. Collins also stated that the IME doctor had access to her credentials, job description, and a copy of her Parole Officer Community Corrections Unit Supervisor state ID. Ms. Collins then stated that her job and a correctional officer job are two completely different job classifications. Ms. Collins further stated that she spoke to a Fraternal Order of Police attorney; Ms. Collins relayed that this attorney had said that when the IME doctor offered to sell Ms. Collins hearing aids, then the IME doctor stood to gain financially and a doctor-patient relationship was developed. Ms. Collins stated that therefore the IME doctor could not be considered a neutral IME, and she requested that that she be assigned a neutral IME.

AAG Cummings asked if there was a question.

Chairman Chavez confirmed that he had a question, and asked if assigning Ms. Collins a neutral IME doctor was a possible option.

AAG Cummings stated that the Board has the authority to order however many tests they deem necessary, and that if the Board deems it appropriate, they can either vote on the matter or discuss it further.

Ms. Collins stated that the IME doctor's letter says that Ms. Collins should be able to do self-defense. Ms. Collins further stated that Deputy Director Percival had stated that even if Ms. Collins was a correctional officer, the self-defense between a correctional officer and a parole officer are completely different. Ms. Collins explained parole officers' self-defense requirements, and that her hearing aids would not withstand the self-defense training. Ms. Collins further stated that Deputy Director Percival had agreed with Ms. Collins' position. Ms. Collins stated that the IME doctor listed as an option that she could work for dispatch. Ms. Collins further stated that the Fraternal Order of Police attorney had stated that a dispatcher needs to have good hearing most of the time. Ms. Collins further stated that she does not have good hearing.

Board Member Malone asked Ms. Collins if she was requesting that the Board find another IME doctor for her.

Ms. Collins confirmed that she wanted another IME doctor, and further stated that once the IME doctor who authored the IME report had offered to sell her hearing aids, this IME doctor had a financial gain, and that the offer created a doctor-patient relationship. Ms. Collins also noted that she declined the offer to purchase hearing aids from the IME doctor, as she has a local audiologist.

Board Member Malone asked if it was an option for the Board to find another IME doctor.

AAG Cummings stated that under the laws, the Board can order what tests it deems appropriate, and that the Board can find another IME doctor.

Board Member Malone asked whether finding another IME doctor is at the Board's discretion and not Ms. Collins', and whether the Board would choose the doctor, rather than Ms. Collins choosing the doctor.

AAG Cummings stated that yes, under the laws there needs to be at least one medical exam, as the applicant is entitled to that. AAG Cummings further stated that, with situations being unique to each individual person, if the Board determines that more tests are needed, then they have the discretion to order more tests.

Board Member Malone confirmed his understanding.

Board Member Frigo stated that she was ready to make a motion, and made a motion.

MOTION 06-01-03	
Motion:	Vote to deny Connie Collins' application for Ordinary Disability pension.
Moved by:	Judy Frigo

Seconded by:	Sean Malone
Discussion:	Board Member Frigo stated “I make a motion to deny Ms. Connie Collins’s request for disability based on Dr. Zavos’s letter stating that he answered ‘for this reason I answered no to the proposed question’ of if Ms. Collins was totally and permanently disabled.”
In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – aye
Motion:	Passed

3. **Yuji Horiuchi:** IME review for Ordinary Disability pension.

Chairman Chavez stated that the Board would table this item until the next meeting, due to a clerical error.

Board Member Frigo indicated that she hadn’t heard what was said.

AAG Cummings stated that he’d been reviewing the Agenda before the meeting, and had discovered that the Agenda lists this item as an Ordinary Disability pension matter, when in actuality it’s for an Accidental Disability pension. AAG Cummings advised tabling the matter, to ensure that the Board doesn’t violate open meeting law.

Board Member Frigo confirmed her understanding.

V. RETURN TO WORK RETIREES WITH AN ASSIGNMENT CHANGE REQUESTING TO RETAIN PENSION:

The following request was presented for Local Board consideration:

1. **David Samorano** retired from CORP effective August 29, 2020. He returned to work in an ASRS position as an Industrial Program Specialist, effective October 4, 2021. He had a job change, effective December 11, 2021, to a CORP designated position as a Plumber. He demoted, effective May 20, 2023, to a CORP designated position as a Correctional Officer I. Mr. Samorano is requesting to retain his CORP pension. An Alternate Contribution Rate is required.

MOTION 06-01-04	
Motion:	Motion for David Samorano to continue to receive his CORP pension and that an alternate contribution rate will be required by the Department.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	
In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – aye
Motion:	Passed

V. GENERAL DISCUSSION:

1. Chairman Chavez stated the next Board Meeting will be Thursday, July 6, 2023. Chairman Chavez, Board Members Frigo, Malone, and Stickley stated they will be in attendance.

VI. CALL TO PUBLIC

Ms. Collins asked whether she is cleared to go back to work, and whether Dr. Zavos views her as being disabled.

Board Member Malone stated that this is a process that's sought through the OHN, and that they have to clear Ms. Collins through her doctor.

Chairman Chavez adjourned the meeting at 10:13 A.M.

Transcribed on **June 2, 2023**

Karen Ray, Board Secretary, Pension Specialist