

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



July 6, 2023



**DRAFT**

A public meeting of the Corrections Officer Retirement Plan Local Board for the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR) was convened **Thursday, July 6, 2023, at 10:00 a.m.** at the **Arizona Department of Corrections, 1831 West Jefferson, Phoenix, Arizona, 85007**, in the Training Room, on the 2<sup>nd</sup> 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	
<b>Guests</b>	
Kelly Smith	

**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 June 1, 2023.

MOTION 07-06-01	
Motion:	Approval of June 1, 2023, Public Meeting 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. **Diane Bukowski** is requesting to remain in ASRS; she has 5 years of service. She accepted a CORP position as a Correctional Education Program Teacher, effective June 5, 2023.
2. **Ernesto Gutierrez** is requesting to remain in ASRS; he has 19.547 years of service. He accepted a CORP position as a Building Maintenance Specialist, effective May 30, 2023.
3. **Gary Holsinger** is requesting to remain in ASRS; he has 5 years of service. He accepted a CORP position as a Correctional Education Program Teacher, effective June 12, 2023.
4. **Vanessa Rohler** is requesting to remain in ASRS; she has 12.676 years of service. She accepted a CORP position as a Correctional Education Program Teacher, effective June 26, 2023.

MOTION 07-06-02	
Motion:	Approval of request by Diane Bukowski to remain in ASRS, approval of request by Ernesto Gutierrez to remain in ASRS, approval of request by Gary Holsinger to remain in ASRS, and approval of request by Vanessa Rohler to remain in ASRS.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	
In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – 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 rehearing on the April 6, 2023, approval for Ordinary Disability Pension, per rehearing request by PSPRS.

Board Member Frigo stated she was making a motion to approve Kanday Matzdorff’s request for a disability pension, based on the clarification letter from Doctor Klein. Board Member Frigo further stated that in this letter, Doctor Klein “cleared up the issue of the pre-existing conditions,” and therefore she thinks that Ms. Matzdorff meets the qualification for the disability pension.

AAG Cummings stated that PSPRS’ rehearing request raised not only an issue concerning the IME, but also whether Ms. Matzdorff’s disability pension application was timely. AAG Cummings also stated that PSPRS’ rehearing request had noted that the CORP Local Board had indicated on the Ordinary Disability questionnaire that Ms. Matzdorff had not made a timely application.

Board Member Frigo asked for clarification on who and what was untimely.

AAG Cummings stated that PSPRS had indicated that the paperwork regarding Ms. Matzdorff's disability pension matter had identified Ms. Matzdorff's application as untimely.

Board Secretary Moreno stated that it was incorrect that the application was untimely, because Ms. Matzdorff has not yet quit. Board Secretary Moreno also explained the application process for Ms. Matzdorff's application.

Board Member Frigo asked whether Ms. Matzdorff is still working.

Board Secretary Moreno stated that Ms. Matzdorff is still working. Board Secretary Moreno also discussed PSPRS' question concerning a pre-existing condition, and also stated that Chairman Chavez would correct the paperwork concerning the timeliness issue.

AAG Cummings asked whether the timeliness issue was just a paperwork error.

Board Secretary Moreno explained that it was a paperwork error, and explained how the error had occurred. She also stated that Ms. Matzdorff has not quit yet and is therefore timely.

Board Member Frigo asked AAG Cummings about approving a disability pension for a person who is still working, and also stated that she is not comfortable approving a disability pension when the person is still working.

Board Secretary Moreno stated that Ms. Matzdorff is not still working, but instead is "off" and hasn't resigned yet. Board Secretary Moreno then explained how applicants quit once they know they've been approved, as well as what steps follow after the disability pension is approved and the applicant quits.

AAG Cummings stated that the statutes allow for an applicant to quit after they've been approved, because the statutes say that an applicant must apply either within one year after termination or after the disabling event. He further stated that an application must occur either before the applicant resigns or within a year after they resign.

Board Member Frigo indicated that she was going to make a motion, and asked that it be corrected if it's stated incorrectly. Board Member Frigo then made a motion to approve Ms. Matzdorff's request for disability based on the IME Doctor's clarification letter, with Board Member Frigo also stating "that issue for me is cleared up." Board Member Frigo then also stated that if the legal requirements for timeliness are met, then she also includes it as part of her motion to approve Ms. Matzdorff's request for a disability pension.

AAG Cummings suggested that, for a clear record, the CORP Local Board say whether or not they find that the application was timely.

Board Member Frigo stated that she adds into the motion that it is timely.

MOTION 07-06-03	
Motion:	Vote to approve for Ordinary Disability pension.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	The discussion for this motion is described above, as part of Subsection (IV)(1).
In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – aye
Motion:	Passed

**2. Yuji Horiuchi:** IME review for Accidental Disability Pension.

Board Member Frigo asked if all of the paperwork is in for this case.

Board Secretary Moreno stated that Mr. Horiuchi hasn't quit yet, and that once a decision is made then the application process will continue.

Board Member Frigo explained that she was asking whether the Board Secretaries had all the paperwork needed for this matter to proceed today.

Board Secretary Moreno stated that yes, they have the IME report.

Board Member Frigo indicated that she read the IME report. She then made a motion “to approve Mr. Horiuchi’s request for disability based on the IME report that was submitted by Jon D. Zoltan, MD, Board Certified Orthopedic Surgeon.”

MOTION 07-06-04	
Motion:	Vote to approve for Accidental Disability pension.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	The discussion for this motion is described above, as part of Subsection (IV)(2).
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, August 3, 2023. Chairman Chavez, Board Members Frigo, Malone, and Stickley stated they will be in attendance.

## **VI. CALL TO PUBLIC**

No public comment.

Chairman Chavez adjourned the meeting at 10:08 A.M.

Transcribed on **July 7, 2023**

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**Karen Ray, Board Secretary, Pension Specialist**