

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



**April 6, 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, April 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	Sean Malone, Board Member
Lori Stickley, Board Member	Kyle Cummings, Assistant Attorney General
Judy Frigo, Board Member (Conferenced in)	
Sandra Moreno, Board Secretary, Retirement Specialist	Karen Ray, Board Secretary, Retirement Specialist
<b>Guests</b>	
Alexandra Benlein	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 March 2, 2023.

<b>MOTION 04-06-01</b>	
Motion:	Approval of March 2, 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. DISABILITY RETIREMENTS:

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

#### 1. **Kanday Matzdorff:** IME Review for Ordinary Disability Pension

MOTION 04-06-02	
Motion:	Vote to approve for Ordinary Disability pension.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	Board Member Frigo made a Motion for Kanday Matzdorff’s ordinary disability pension application to be approved “based on Page 4 of Dr. John Klein’s report wherein he states that she is totally and permanently unable to perform in her CORP designated position.”
In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – aye
Motion:	Passed

#### 2. **Yuji Horiuchi:** New application for Accidental Disability Pension.

MOTION 04-06-03	
Motion:	Vote to approve to begin process and send applicant for Independent Medical Exam (IME) for Accidental Disability pension.
Moved by:	Judy Frigo
Seconded by:	Sean Malone
Discussion:	
In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – aye
Motion:	Passed

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

The following request was presented for Local Board consideration:

At the start of the individual matter listed in this section, Board Member Frigo asked questions as to “what is the alternate contribution rate,” and “is he remaining in ASRS”? Board Secretary Moreno responded “yes,” Board Member Malone remains in ASRS, and Board Members also responded “yes.”

Assistant Attorney General Cummings explained that if a person is receiving their CORP pension and they return to work in a CORP position at least a year after retirement, then by law the employer is required to pay into the system an alternate contribution rate. AAG Cummings also said that Board Member Malone would stay in the ASRS system.

Board Member Frigo asked “so this does not negatively impact Mr. Malone?” Board Member Stickley responded “we don’t believe so. No.”

Board Member Frigo asked if Board Member Malone is abstaining from the vote. Board Member Malone stated “yes.”

1. **Sean Malone** retired from CORP effective September 01, 2013. He returned to work in an ASRS position as an Administrative Services Officer 4. He subsequently promoted to another ASRS position as a Deputy Administrator on December 28, 2019, and was then reallocated to another ASRS position as a Deputy Assistant Director on January 08, 2022. He has promoted to Assistant Director of Prison Operation effective March 27, 2023, which is a CORP designated position. Mr. Malone is requesting to retain his CORP pension. An Alternate Contribution Rate is required.

MOTION 04-06-04	
Motion:	Motion for Sean Malone 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:	Lori Stickley
Discussion:	AAG Cummings recommended that Board Member Malone make a statement for the record that he was abstaining from voting.
In Favor:	Frigo – aye, Stickley – aye, Chavez – aye, Sean Malone abstained from the vote.
Motion:	Passed

#### V. GENERAL DISCUSSION:

1. Chairman Chavez stated the next Board Meeting will be Thursday, May 4, 2023. Chairman Chavez, Board Members Malone and Frigo stated they will be in attendance.
2. Discussion was held regarding the possibility of earlier rehearing dates for Ordinary Disability pensions for Billy Wilson and Connie Collins, and whether Board Members would be available to have the rehearing's sooner than the May 4, 2023, Board Meeting.

AAG Cummings explained to the Board Members that disability pension rehearings for both Billy Wilson and Connie Collins are scheduled for the May 4, 2023, meeting, and that the hearing packets which were sent to Mr. Wilson and Ms. Collins contained notifications that Mr. Wilson and Ms. Collins could request earlier hearing dates, though the notifications also said that there was no guarantee of an earlier hearing date. AAG Cummings then stated that this agenda item was to alert the Board, and ask if the Board Members' schedules are open for a rehearing date earlier than May 4.

Chairman Chavez and Board Members Malone and Stickley indicated they were available at present. Chairman Chavez indicated that the Board has taken such an approach before, and Board Member Frigo noted that it would be contingent on their schedules.

AAG Cummings indicated that there would need to be a minimum quorum. Board Member Malone stated that he's sure that a quorum can be reached, and asked if the meeting could be done over Google Meets if Board Members cannot be present. AAG Cummings stated that the Board can meet over Google Meets, and would also need to comply with open meeting law requirements, either having the meeting room be open and ensure the public can hear, or that a link is available for a virtual meeting.

Chairman Chavez asked Board Secretary Moreno to let the Board know if she's contacted about scheduling a rehearing earlier, and to set up a date for the rehearing. Board Secretary Moreno agreed, and stated that they had not received a request for an earlier rehearing date.

**VI. CALL TO PUBLIC**

No public comment.

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

Transcribed on **April 6, 2023**

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