



# VILLAGE OF GLENCOE POLICE PENSION FUND

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## MEETING MINUTES VILLAGE OF GLENCOE SPECIAL MEETING OF THE POLICE PENSION FUND BOARD MEETING MINUTES

Village Hall Conference Room  
675 Village Court  
Thursday, August 25, 2022 – 10:00 a.m.

### 1. CALL TO ORDER AND ROLL CALL

Prior to roll call, Finance Director Nicole Larson stated that pursuant to recently adopted amendments to the Illinois Open Meetings Act (OMA), the Police Pension Board meeting was being conducted as a virtual meeting via Zoom video conferencing platform as the Village continues to support social distancing to try to prevent the spread of COVID-19. She stated that a quorum of members of the Board were present via remote access. Accordingly, Finance Director Larson was in the Village Hall Conference Room as required by the Open Meetings Act.

The meeting was called to order at 10:02 a.m.

The following were present:

Hubert Dziekan, President  
Eric Birkenstein, Trustee  
Peter Neville, Trustee  
Michael Neimark, Trustee  
MacAdam Glinn, Trustee (joined by phone at 10:15 am)

The following were also present:

Nicole Larson, Finance Director  
Margaret Schwarz, Assistant Finance Director  
Julie Tappendorf, Pension Board Attorney, Ancel Glink  
Jeffrey Goodloe, Puchalski Goodloe LLC, Applicant's Attorney  
Brian D. Webster, Applicant for Non-Duty Disability Pension

The following were not present:

None

### 2. PUBLIC COMMENT

Director Larson stated that no public comments were received via email or voicemail prior to the meeting and that no members of the public were physically present at Village Hall for the meeting.

### **3. HEARING ON AN APPLICATION FOR DISABILITY PENSION BENEFITS**

Finance Director Larson introduced the Pension Board's attorney Julie Tappendorf to facilitate the hearing. She reviewed some preliminary items prior to turning the meeting over to Mr. Webster's attorney, Mr. Goodloe, to present Mr. Webster's case. She explained that this hearing is for the disability application of Mr. Brian D. Webster. She stated that the Glencoe Police Pension Fund Board is responsible for conducting a hearing and rendering a decision on Mr. Webster's application for a non-duty disability pension under Section 114.2 of the Illinois Pension Code. Attorney Tappendorf noted that Attorney Jeffrey Goodloe is present and representing Mr. Webster in this matter. She asked Attorney Goodloe to confirm. Attorney Goodloe confirmed. Attorney Tappendorf added that she understands that Mr. Webster is also present at the hearing and prepared to testify. Mr. Webster confirmed that this was the case. Attorney Tappendorf asked if the applicant had any other witnesses that they intend to present on Mr. Webster's behalf at the hearing. Attorney Goodloe confirmed there are no other witnesses and would ask the applicant's exhibits number 1 through 13 and Board exhibits 1 through 2 be moved into evidence. Prior to accepting the exhibits Attorney Tappendorf had to swear in Mr. Webster. Attorney Tappendorf asked Mr. Webster to raise his right hand and swear that the testimony he was about to give is truthful and correct. Mr. Webster raised his right hand and stated, "I swear that the testimony I'm about to give is truthful and correct".

Attorney Tappendorf continued to review preliminary items. She stated the meeting is being conducted pursuant to the Open Meetings Act and conducted remotely as permitted by Section 7E of the Illinois Open Meetings Act. She stated it is a due process hearing which means it is not adversarial but instead is intended to act in the nature of a fact-finding process. The first matter for the Board to take is the introduction of the exhibits. The Board was presented with two sets of exhibits. Applicant's exhibits 1 through 13 and Board exhibits 1 through 2. The Board was provided the exhibits in advance of the hearing to have time to review. Attorney Tappendorf asked Attorney Goodloe to confirm that he received the Board exhibits 1 through 2. Attorney Goodloe confirmed he received Board exhibits 1 through 2. Attorney Tappendorf then asked if there were any objections by anyone in attendance to entering both sets of exhibits into the record of the hearing. No objections were made. Attorney Tappendorf asked for a motion from a member of the Police Pension Fund Board to accept all exhibits into evidence. Prior to the motion Trustee Neimark asked a question regarding two of the applicant's exhibits. One exhibit was marked as a duty disability, and another was not noted as to the type of disability pension being requested. Attorney Tappendorf stated that there would be some questioning during the hearing to address that question. She stated it is worth making the note of the discrepancy on the record.

Trustee Neimark moved, seconded by Trustee Neville, to accept as presented with discussion all of the exhibits into evidence. The motion was adopted with the following vote:

Attorney Tappendorf stated that it is important for everyone to understand that the applicant carries the burden of proof in the matter to establish that he is in fact disabled from performing full service for the Glencoe Public Safety Department under Section 114.2 of the Illinois Pension Code. She stated the applicant will be provided the opportunity to present testimony in support of his application for a non-duty disability pension. She stated that the Board did not have any of their own witnesses to present. Although the Board and Board attorney will have the opportunity to ask questions of the applicant. Following the testimony and cross examination, the Board may choose to go into executive session (or closed session) which is on the agenda to deliberate this matter, which is permissible under the Illinois Open Meetings Act. She added that only the Board, its attorney and staff will be present in

executive session. In the executive session Attorney Tappendorf stated she'll be advising the Board on the applicable law to apply to their decision on this case. It will be the Board that deliberates on the facts and the evidence and it is up to the Board members to weigh the evidence in the case and then there will be no decision made in executive session. She added that the decision or vote will take place after executive session when the Board convenes back into open session. The Board can either take a vote to grant or deny the application for non-duty disability or if it requires additional evidence the Board can continue the hearing to another date. Attorney Tappendorf explained how the Board would convene in an executive session. She turned the meeting over to Attorney Goodloe to present the applicant's case.

Attorney Goodloe proceeded to ask the applicant Brian David Webster a series of questions about his personal details, job description, and details of the incident that took place on December 20, 2021. After questioning by Attorney Goodloe, Attorney Tappendorf cross examined the applicant Mr. Webster.

Attorney Tappendorf reviewed the timing of the incident on December 20, 2021 with Mr. Webster. She also confirmed with Mr. Webster that he was applying for a non-duty disability pension, which he did confirm. She questioned Mr. Webster about his on-going care with health professionals.

Attorney Tappendorf asked if they Board had any questions and Trustee Neimark asked Mr. Webster why two of the IME doctors did not correctly mark the incident as a non-duty disability and Mr. Webster said he did not know. Mr. Webster said he made it clear that the incident happened prior to his shift and was not duty related. Attorney Tappendorf stated that the failure to mark this appropriately on the paperwork appears to be a mistake. Trustee Birkenstein asked details of how the incident happened and to which Mr. Webster responded. Trustee Glinn asked about Mr. Webster's prognosis. Mr. Webster replied that at most 70% of use in his left hand might come back.

Attorney Goodloe provided a closing statement. He stated that his client (Mr. Webster) applied solely for a non-duty disability pension under Section 3-114.2. He stated it is a no-fault provision. A police officer who becomes disabled as a result of any cause other than the performance of an act of duty is entitled to a non-duty disability pension. He stated the incident was an accident. He stated that the outstanding issue was to determine if his client (Mr. Webster) was currently disabled and unable to perform Public Safety duties. Mr. Goodloe reviewed the medical history related to the incident. He also reviewed both the applicant's doctors' notes and the doctor's notes of the IME doctors hired by the pension Board. Attorney Goodloe cited case law and explained how it related to this case. Attorney Goodloe asked that the pension Board grant the application for a non-duty disability pension with an effective date of May 6, 2022 as Mr. Webster was paid by the Village through May 5, 2022, at which point he had exhausted his accrued leave balance.

Attorney Tappendorf asked the pension Board if they would like to go to executive session to deliberate. She explained there would need to be a motion to go into executive session as permitted by 2C4 of the Illinois Open Meetings Act.

Trustee Neimark moved, seconded by Trustee Dziekan, to accept the motion as stated. The motion was adopted with the following vote:

**4. CLOSED SESSION**

The Board met in closed session at 10:54 a.m. At 11:15 a.m. a motion was made to adjourn closed session and return to open session.

Trustee Neimark moved, seconded by Trustee Dziekan, to accept the motion as stated. The motion was adopted with the following vote:

**5. DECISION ON APPLICATION FOR DISABILITY PENSION BENEFITS**

Attorney Tappendorf stated that while in executive session Finance Director Larson received a corrected page from Dr. Patari's IME. The page was corrected to remove the language stating that the injury was a duty related incident to correctly stating that the injury was a non-duty related incident. Attorney Tappendorf asked Attorney Goodloe if he had any objection to replacing that page in the report for the record. Attorney Goodloe had no objection. Attorney Tappendorf asked for a motion on the non-duty disability pension under Section 114.2 of the Illinois Pension Code. After the motion was moved, Finance Director Larson noted for the record that the non-duty disability being granted is calculated using the officer's salary attached to rank as of the effective date of the benefit and includes his performance and paramedic pays. She stated the base salary used in the calculation will be \$96,827 and the benefit to be granted would be a rate of 50% effective May 6, 2022.

Trustee Neimark moved, seconded by Trustee Dziekan, to grant the non-duty disability pension to Mr. Brian D. Webster. The motion was adopted with the following vote:

**APPROVED**

**AYES:           BIRKENSTEIN, DZIEKAN, GLINN, NEIMARK, NEVILLE (5)**  
**NAYS:           NONE (0)**  
**ABSENT:        NONE (0)**

Attorney Tappendorf confirmed that a written decision confirming the Board's actions will be sent to Attorney Goodloe to share with his client documenting the results of the hearing.

**6. OTHER BUSINESS**

There was no other business presented by the Board.

**7. ADJOURNMENT**

Trustee Neimark moved, seconded by Trustee Dziekan, to adjourn the meeting. The meeting was adjourned at 11:24 a.m. The motion was adopted with the following vote:

**APPROVED**

**AYES:           BIRKENSTEIN, DZIEKAN, GLINN, NEIMARK, NEVILLE (5)**  
**NAYS:           NONE (0)**  
**ABSENT:        NONE (0)**

Approved by:  Date: 02/01/23

Trustee Name: Hubert Dziekan