

MINUTES
ROCKFORD POLICE PENSION BOARD
May 14, 2014

MEMBERS PRESENT: Jeff Nielsen, President and Chair
Marcia Mueller, Vice President
Michael McDonald
Scott Laue
Matt Williams

ABSENT: None

ALSO PRESENT: Alexander J. Mezny – Holmstrom & Kennedy

GUESTS: Officer Phillip Statler
Attorney Craig Mielke
Officer Katy Statler

STAFF: Court Reporter Doris Kennay

The May 14, 2014 special meeting of the Rockford Police Pension Board for the purpose of the disability hearing of Officer Phillip Statler convened at City Hall 425 E. State St., with chair Jeff Nielsen calling the meeting to order at 9:05 a.m.

PUBLIC COMMENT

NONE

HEARING

The Application of Officer Phillip Statler for Disability Pension – Line of Duty or in the alternative Not in the Line of Duty– was heard by the Board of the Rockford Police Pension Fund pursuant to posted notice and written notice to Officer Statler's counsel.

Officer Phillip Statler was present with his attorney, Craig Mielke. Also present were the Board's attorney, Alexander J. Mezny, court reporter Doris Kennay, who made a record of the hearing and Officer Statler's wife Katy Statler who was sworn and gave brief testimony concerning certain bills paid by the Statlers.

Attorney Mezny and Attorney Craig Mielke agreed to the admission of 790 pages of exhibits as more fully set forth in the Board's Order.

Attorney Mezny, Attorney Mielke and Trustees Nielsen, Mueller, McDonald, Williams and Laue examined Officer Statler. Officer Statler testified on his own behalf as to the history of his injury and condition, the course of treatment and present status of his condition.

Attorney Mielke made closing arguments.

At 10:43 a.m., a MOTION was made by Trustee Mueller and seconded by Trustee Laue to go into closed session pursuant to sections 2(c)1 and 2(c)4 of the Open Meetings Act with respect to compensation of a member and discussion of evidence and testimony with regard to Officer Phillip Statler.

A motion to return to open session was made by Trustee Mueller and seconded by Trustee Laue and approved at 10:51 a.m. No action was taken in closed session.

At 10:54 a.m. Trustee Mueller made a motion seconded by Trustee Laue to find Officer Statler mentally disabled from service in the City of Rockford Police Department, pursuant to Section 3-114.1 of the Illinois Pension Code and:

- 1) that the Board shall retain jurisdiction of this cause to apply any set-off of benefits as may be provided for under the Police Pension Code and/or under any other applicable laws,
- 2) that the Board shall retain jurisdiction of this cause to correct any error in the calculation of the pension benefit amount, to correct any overpayment or underpayment, or to change the amount if such correction or change is required for any reason including by amendment of the Pension Code, by operation of other law as in effect from time to time, or as may be required otherwise to comply with the Pension Code in accordance with the written advice of reputable legal counsel or the directive of a court or governmental agency, and
- 3) that the Board shall retain jurisdiction of this cause for purposes of enforcing the Pension Code, including but not limited to the requirements set forth in 40 ILCS 5/3-115 regarding verification of the continuance of disability from service as a police officer with the Rockford Police Department.

The motion passed 5-0.

At 10:55 a.m. Trustee Mueller made and Trustee Laue seconded a motion to find that Officer Statler's disability was incurred in or resulted from the performance of an act of duty as provided under the Pension Code, and

- 1) that his pension benefit in the annual amount of Forty-Seven Thousand, Eight Hundred Eighty-Two Dollars and Forty Cents (\$47,882.40) shall be retroactive to today's date although the timing of the first payment may be dependent upon submission of the paperwork or the administrative capacity of the City in getting the check out after all the paperwork is signed and is contingent on Chief Epperson initialing the original application to correct the last day of work,
- 2) that the Board shall retain jurisdiction of this cause to apply any set-off of benefits as may be provided for under the Police Pension Code and/or under any other applicable laws,
- 3) that the Board shall retain jurisdiction of this cause to correct any error in the calculation of the pension benefit amount, to correct any overpayment or underpayment, or to change the amount if such correction or change is required for any reason including by amendment of the Pension Code, by operation of other law as in effect from time to time, or as may be required otherwise to comply with

the Pension Code in accordance with the written advice of reputable legal counsel or the directive of a court or governmental agency, and

- 4) that the Board shall retain jurisdiction of this cause for purposes of enforcing the Pension Code, including but not limited to the requirements set forth in 40 ILCS 5/3-115 regarding verification of the continuance of disability from service as a police officer with the Rockford Police Department.

The motion passed 5-0.

Trustee Mueller made a motion to adjourn the meeting at 10:58 a.m. Trustee Williams seconded the motion. The Motion passed 5-0.

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